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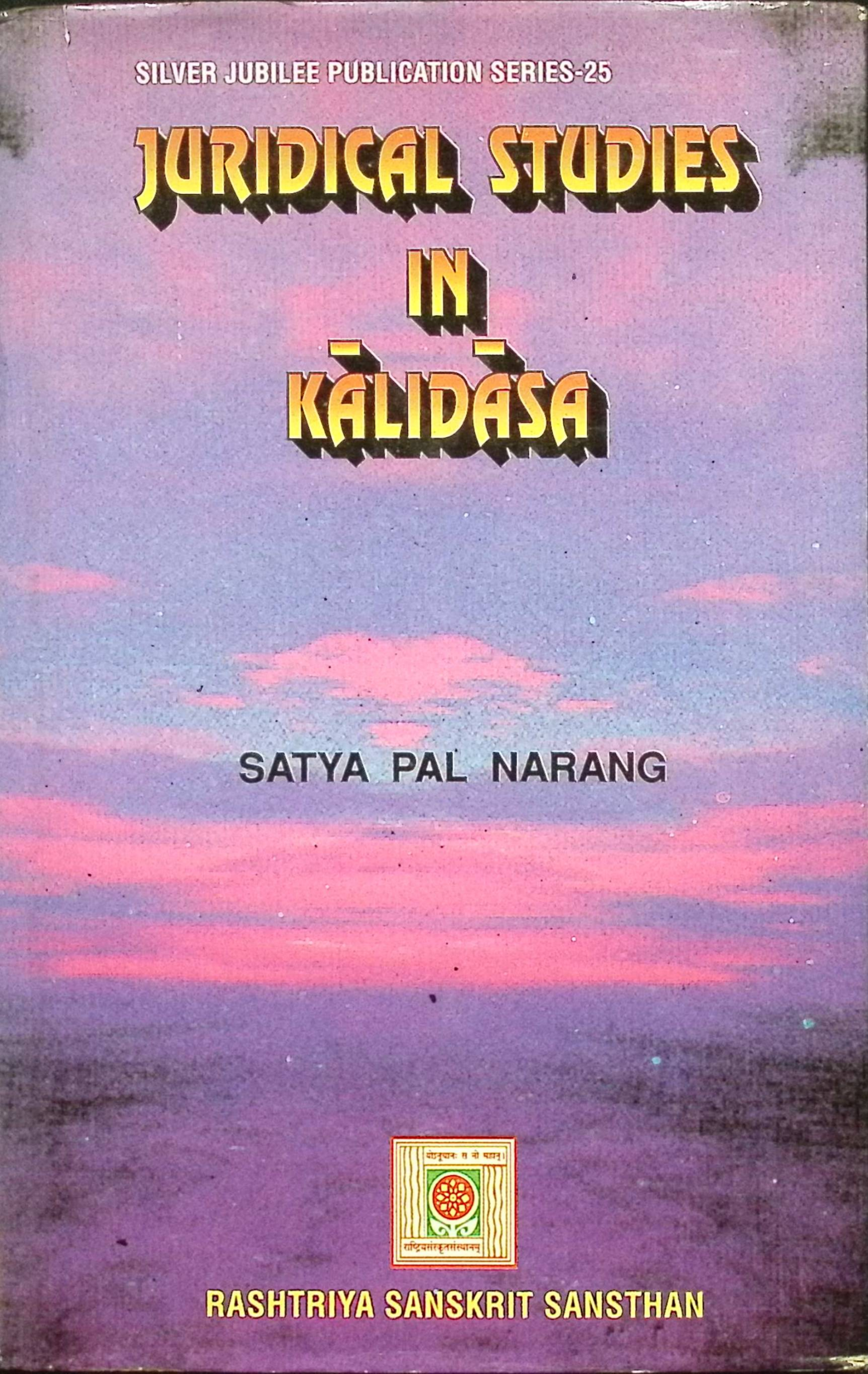
JURIDICAL STUDIES IN KĀLIDĀSA

SATYA PAL NARANG



योऽनूचानः स नो महान्।

राष्ट्रियसंस्कृतसंस्थानम्

RASHTRIYA SANSKRIT SANSTHAN

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JURIDICAL STUDIES IN KĀLIDĀSA

Prof. Satya Pal Narang

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FOREWORD

I have great pleasure to present this volume of *Silver Jubilee Publication series* of *Rashtriya Sanskrit Sansthan* to our esteemed readers. The publications varily represent the goodwill and cooperation, the Sansthan has all along been receiving from the eminent scholars all over the country.

The Sansthan was established in October, 1970 with a view to promote, preserve and propagate sanskrit learning in general and shastraic learning in particular. With the encouragement and support from the Ministry of Human Resource Development, govt. of India, the Sansthan decided to bring out 25 scholarly monographs to commomorate its Silver Jubilee year under its Silver Jubilee Publication Series.

The present volume *Juridical Studies in Kālidāsa* authored by *Prof. Satya Pal Narang*, Professor and Head of Sanskrit, Department of Sanskrit University of Delhi, briefly exposes the facts that are related to law and court, Jurisdiction, Political philosophy, taxation, terrorism and its remedies etc, found in the works of Kālidāsa. I express my gratitude to Prof. Narang for gladly contributing the monograph for the Silver Jubilee Publication Series.

I appreciate the services rendered by *Dr. Savita Pathak, Dr. R. Devanathan* and other collogues in bringing out the Silver Jubilee Publications. *M/s Nag Publishers* deserve our thanks for printing the book in time.

Date : 21.8.96
New Delhi

K.K. Mishra
Director
Rashtriya Sanskrit Sansthan

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I

Concept of Law and Court in Kāḷidāsa

Origin of Law : Kālidāsa has propounded that anarchy is responsible for the origin of the king as well as the law. He has described the miserable state of public without a king exploiting one another.[1]

Manu, the Mahābhārata, Nārada and Bṛhaspati have also expressed similar views. Generally, in their opinion, the antiquity particularly in the Kṛta .age people were righteous and hence there was no need of law. But as the Dharma dateriorated or disappeared, administration of law come to be introduced.[2]

Legal autonomy and voluntaryism : - Kālidāsa believed in legal democracy, autonomy and voluntaryism fromthe king to the public.[3] In theory, Kālidāsa tried to avoid the essential ingredient of the kingship i.e. coercion which is a must int eh Smṛti law as well as the modern jurists. The purpose of law is the removal of ignorance or darkness like the movement of the Sun.

Principle:- Kālidāsa has prescribed a balance attitude in the administration of law (Yuktadaṇḍa) which is based on equity. A principle of neither too lenient nor too harsh attitude for the administration of law is a special feature of Kālidāsa.[1]

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[1] Raghu. XVI. Ed. 11ff. used. Kālidāsa Granthāvalī by Reva Prasad Dwivedi. Varanasi. 1976.

[2] Manu. I. 81-82; Śāntiparvan of the Mahābhārata, 231. 23-24; Nārada, I.1; Bṛhaspati (SBE. XXXIII, p.277); Kane, History of Dharma Śāstra, III. p.244 (For contract theory; Raghu, XVII.65).

[3] Raghu. XVII.74
प्रजा सन्त्र्याचक्रे शाश्वत्सूर्य इवोदितः ॥
Raghu. I.63 निरातङ्काः

Source of Law : Kālidāsa has mentioned the words Śruti and Smṛti and their relationship *inter se*. He has referred to Smṛti following the meaning of Śruti.[2]

Both Manu and Yājñavalkya have mentioned Śruti and Smṛti as the source of law and the opinion of Mitākṣarā on Yājñavalkyasmṛti has a similarity of expression with that of Kālidāsa.[3]

At another place Kālidāsa has referred to '*antaḥkaraṇapravṛtti*' (conscious of one's own self)[4] in the doubtful matters. Indirectly Kālidāsa is referring it as one of the sources of law as Manu has also propounded it in different words.

Besides Śruti, Smṛti, Sadacāra, Manu has propounded another source i.e. One's own satisfaction.[5] Moreover, Manu has spoken of Self-satisfaction as a cource of law.[6] So it appears Kālidāsa is following Manu indirectly when he accepts '*antaḥkaraṇapravṛtti*' as a pramāṇa. At another place he has referred to Śruti (variant Smṛti) and indirectly quotes opinions.[7]

In a few cases, Kālidāsa has mentioned the name of Manu not only as a jurist but also as an ideal legislature.[8] Right from Manu (as founder member of the Raghu

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1. Raghu. IV.8 स हि सर्वस्य लोकस्य युक्तदण्तया मनः ।
   आददे नातिशीतोष्णो नभस्वानिव दक्षिणः ॥ Also cf. Raghu. I. 16. bhīmakāntaih......arṇavaḥ.
2. Raghu. II.2. श्रुतेरिवार्थं स्मतिरन्वगच्छत्
3. Mitākṣarā on Yājña. I.7.
   एतेपां विरोधे पूर्वपूर्वस्य बलीयस्त्वम्
4. Śāk. I.20.
5. Manu. II.12
   स्वस्य च प्रियमात्मनः
6. Manu. II. 6. आत्मनस्तुष्टिरेव च Also see Yājña. I.7.
7. Śāk. VI. 25 अस्मात् परम् बत यथाश्रुति सम्भृतानि (Variant यथास्मृति)
8. Raghu. I.17.

dynasty), the subjects did not move even a line from the trodden path. Kālidāsa has referred to Manu as authority in the administration of the daṇḍa policy.[1] Moreover, Manu has been quoted as an authority for the preservation of Varṇa and Āśrama system.[2] It has a similarity with Manusmṛti VI.35.

Nomenclature:- Kālidāsa has referred to the law by the words Naya (Raghu. I.55; XVIII.25) and Daṇḍanīti (Raghu. XVIII.46). Due to the knowledge of law, the kings are styled as Nayacakṣuṣ (Raghu. I.55) or Nayajña (Raghu. XVIII.25).

Law Administration :- The main duty of a kign is administration the preservation of law and order (Raghu. XVIII.81). The king holds law and order (Āttadaṇḍa) and controls those who are moving on bad path.[3] In the expression of the objects, Kāmandaka V.82-83 have a similarity with Kālidāsa whereas Kauṭilya, Mahābhārata, Manu and in favour of the subjects (i.e. who should be protected). Kāmandaka propounds it in a different way (i.e. from whom the king should protect his subjects).[4]

All the matters of litigations are to be settled by the King.[5] In the opinion of Prof. P.V. KANE," Justice was to be primarily dispensed byt he king. He was anoriginal court as well as an appellate tribunal. Smṛtis and digests insist that king cannot dispense justice himself alone but must do so with the help and guidance of others.

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[1] Raghu.. IX.3.

[2] ibid. XIV.67
नृपस्य वर्णाश्रमपालनं यत् स एव धर्मो मनुना प्रणीतः ।

[3] Śāk. V.8. नियमयसि कुमार्गप्रस्थितानात्तदण्डः । This duty of the king has been propounded by Kauṭilya, II.1.; Mahābhārata (Anuśāsana. 61.28-30; Śānti. 165.6-7); Manu. VII. 82.134; Yājña. I.315,323 and III.44. and Kane. HDS.III.p.59.

[4] Kāmadakīyanītisāra V.82-83
अयुक्तकेभ्यश्चोरेभ्यः परेभ्यो राजवल्लभात्
पृथिवीपतिलोभाच्च प्रजानाम् पञ्चधा भयम् ॥

[5] Śāk. V.8. प्रशमयसि विवादं ।

The King should enter the Sabhā for looking into the causes of litigants."[1]

Kālidāsa thinks that law and order is part and parcel of the body of the king.[2] Strictness in the administration of law and order is gleaned from the fact that the traders fearlessly moved in the mountains like their own houses.[3] Kālidāsa has depicted the king as the Supreme Judge who occupies the vyavahārāsana (the seat of the court of judge) to look into the matters of the subjects.[4] In the context of the kings, Kālidāsa has propounded the 'Political thought' in details which is not relevant for the present paper.

In the capacity of the final judge, the king could reverse the decision of minister on fresh grounds based on facts found after the orders of the minister. These reversed decisions were comunicated to ministers back for their information.[5] In the present case in Śāk. the minister ordered that the estate would go to the king but after findings new facts.[6] i.e. one of the wives of a person is pregnant, the king reversed the order of the minister and placed a fresh order.

In the opinion of Kālidāsa, breach of law attracts severe panalty. This penalty has been expressed in the blend of poetico-divine concept of Śāpa (curse).[7] Similar curse arises from the negligence of duty.[8]

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1. Kane, HDS.III.p.268. cf. Manu. VIII. 1-2 and Yajñā. II.1.
2. Raghu. XVII.62. तस्य दण्डवतो दण्डः स्वदेहान्न व्यशिष्यत ॥
3. Raghu. XVII.64.
4. ibid. VIII.18 नृपति प्रकृतीरवेक्षितं व्यवहारासनमाददे युवा ।
5. Śāk. VI. p.534
   राजा ननु गर्भः पित्र्यं रिक्थमर्हति । गच्छ एवममात्यम् ब्रूहि ॥
6. ibid. प्रती– देव इदानीमेव साकेतस्य श्रेष्ठिनो दुहिता निर्वृत्तपुंसवना जायास्य श्रूयते ।
7. Vik. IV. p.388.
   तत सा भर्तु अनुनयमप्रतिपद्याना गुरुशापसंमूढहृदया विस्मतदेवतानियमा स्त्रीजनपरिहारणीयम् कुमारवनं प्रविष्टा प्रवेशानन्तरं च काननोपान्तवर्तिलता भावेन परिणतमस्या रूपम् ।
8. Megh. II.1.

Judges :- The nomenclature of judges given by Kālidāsa is *Dharmastha*. In the Raghu, he stated that the king Atithi always looked into the causes of public himself with the help of judges.[1]

The word Dharmastha is used by Kauṭilya.[2] In the opinion of KANE, "From a detailed examination of the Raghuvaṁśa it appears very probable that Kālidāsa had closely studied Kauṭilya's Arthaśāstra.[3] In ancient treatises like Vājasaneyī Saṁhitā and Taittirīya Brāhmaṇa, a judge is styled as Praśnavivāka. But generally in Smṛtis he is styled as Prāḍvivāka or dharmādhyakṣa.[4]

So the conclusion of Prof. KANE is quite right that in the nomenclature, the Arthaśāstra is being followed in this context. It is further corroborated by my recent calculations that in socio-religious matters Kālidāsa follows Manu to the extent of 75% but in politico-legal matters he follows Kauṭilya 75%.[5]

Generally more than one judge decided the case. The decisionof one judge even by an omnicient can be faulty.[6] Similar ideas have been expressed by Pitāmaha and Śukranītisāra.[7]

Jurisdiction:- Kālidāsa has not referred to the

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1. Raghu. XVII.39.
   स धर्मस्थसखः शश्वदर्थिप्रत्यर्थिनां स्वयम् ।
   ददर्श संशयच्छेदान् व्यवहारानतन्द्रितः ॥
2. Arthaśāstra, III.1.
3. Kane, HDS.III. p.269n.
4. ibid. p.272.
5. Gita Devi : M. Phil Dissertion, Delhi University.
6. Māl. I. (Quoted from Kane, III. p.269) not found in R.P Dwivedi's edn. सर्वज्ञस्याप्येकाकिनो निर्णयाभ्युपगमनो दोपाय
7. Q. from Kane. III. p.269 Sarasvatīvilāsa, p.67
   तस्मान्न वाच्यमेकेन विधिज्ञेनापि सर्वतः
   इति पितामहेन एवस्य धर्मकथननिपेधात्
   Also Śukranītisāra. IV.5.
   नैकः पश्येच्च कार्याणि वादिनो शृणुयाद्वचः

jurisdiction of the judges. Kālidāsa has referred to Political jurisdiction of the king which is styled adhikārabhūmi.[1]

Court :- Besides *vyavahārāsana* (*supra*), for the court-hall or court-seat, Kālidāsa has mentioned another word *Dharmāsana*.[2] The play wright Bhavabhūti has also referred to it as Dharmāsana (Uttara. I).

Manu, (VIII.23), Nārada (I.34) and Śukranītisāra IV.5.46) also call it Dharmāsana. Śukra (IV.5.44) at a different place calls it *Dharmādhikaraṇa* whereas Śaṅkhalikhita calls it *Dharmasthāna*.[3] Undoubtedly Kālidāsa follows the tradition of Manu.

In the decision of the cases, although Kālidāsa has not elaborated the norms and principles, but it appears that he was acquainted with such norms being followed by courts. Kālidāsa has referred to them as *Nirṇayādhikāra*.[4] Amongst warriors, there was a privileged class which enjoyed immunity from law in the society in the poetic language such people are blessed with a vara (blessed resulting in immunity). Such people created disturbance in society.[5]

Offence and punishment:- Unlike the salient feature of modern law viz. equality before law, Kālidāsa follows the principle of punishment in accordance with the offence.[6] The purpose of punishment has been observed by Kālidāsa i.e. the preservation and maintenance of law and order (sthiti) and in his opinion it must be inflicted on those who deserve it (daṇḍya).[7]

Some of the predecessors of Kauṭilya (*Ācāryāḥ*) believed in strict punishment but Kauṭilya thinks that punishment in accordance with offence should be greeted.[1] Such concept of punishment is found in the Śāntiparvan of the Mahābhārata (140.8.); Manu (VII.103) and the playwright Viśākhandatta in the Mudrārākṣasa (III.5).

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[1] Śāk. VII. p.544. (infra : Concept of Juridiction).

[2] Vik. I. p.348;351; Śāk. V. p.497.

[3] Kane, P.V. HDS.III. p.243.

[4] Māl. p.272.

[5] Ku. II.32.

[6] Raghu. I.6. यथापराधदण्डानाम्

[7] Raghu. I.25.

Here also Kālidāsa follows the tradition of Kauṭilya and Manu.

In the opinion of Kālidāsa, punishment must be inflicted on an offender and no mercy should be shown.[2]

Kālidāsa has referred to more fear from the repetition of an offence.[3] It exhibits that in the time of Kālidāsa, the repetition of the offence attracted more penalty.

In the antiquity, a first offender might have been let off with a mere admonition but a man who is quilty of a second offence should never be let off.[4] Kauṭilya in his Arthaśāstra has proponded severer punishment for all the repetitious offences.[5] Viṣṇudharmasūtra (V.136), Manu (IX.277) and Yājñavalkya (II.274) also follow the same rule.[6]

It is clear that in the principle of punishment for a second offence, Kālidāsa follows the tradition of ancient legislatures.

Instant punishment during the investigation of the case was not thought to be bad or illegal. Rather it was apperciated. It means that if a person got the natural punishment for his offence, it was assumed that there is no need for a trial. In the Vik. (V.6. p.411), a bird took away a jewel, a royal insignia, was thrown from the sky together with jewel.[1] Here the bird is a symbol of a thief who took away the royal insignia (mauliratna). It was chased and in the procedure of arrest was killed. It deserved death (vadhya) because it commited theft and received the proper punishment (Prāptāparādhocitam) without any trial.

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[1] Arthaśāstra. I.4.
न ह्येवम् वशोपनयनमस्ति भूतानां यथा दण्ड इतयाचार्या ।
नेति कौटिल्यः तीक्ष्णदण्डोहि भूतानमुद्वेजनीयमृदुदण्डः ।
य परिभूयते । यथार्थदण्डः पूज्य सुविज्ञांतप्रणीतो हि
दण्डो धर्मार्थकामैर्योजयति ।

[2] Vik. V. p.409 अलमत्र घृणया अपराधी शासनीय

[3] Ku. VI.14.

[4] Viṣṇudharmasūtra. III.93; Kane, P.V. HDS. p.404.

[5] Arthaśāstra. IV.10.

[6] Kane, P.V. HDS. III. pp.404-405.

One can reach the conclusion that an offender killed during the procedure of invesgiation was assumed to be an offender and the matter was closed.

Death-sentence:- Kālidāsa has referred to two modes of death viz. i. Gṛdhrabali (exposition of body to vultures) ii. leaving to the hounds.[2] The former type of death-sentence is not known in the Indian tradition.

The general modes of the death-sentences consist of the sharp-weapons, poisoning, trampling by the elephant, biting by snakes, fire and water.[34] Devouring by dogs has been referred to by Gautama[5] and Manu.[6] Another text has favoured the eating by dogs[7] or burning in fire. Other modes were impaling and roasting in fire.[8]

From the exposition above, it is clear that Gṛdhrabali was not prevalent and Kālidāsa has used it only as a taunting idiom whereas in the tradition of devouring by dogs, he has followed the tradition of Gautama and Manu.

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[1] Vik. V.6. p.411
अनेन निर्भिन्नतनुः स वध्यो रोपेण ते मार्गणताम् गतेन
प्राप्तापराधोचितमन्तरिज्ञात् समौलिरत्नः पतितः पतत्री ॥

[2] Śāk. VI. p.513. गृधबलिर्भविष्यासि शुनो शुनो मुखम् वा द्रक्ष्यसि

[3] Arthaśāstra. IV.11.

[4] Mānusollāsa, II. 20 verse, 1287, p.144; Kane, P.V. HDS.III. pp.400ff.
विषेक्षुदन्तिभुजगशस्त्रानलजलादिभिः ।
पापानाम् प्राणहरम् वधदण्ड प्रकीर्तितः ॥

[5] Gautama. XXIII.14.

[6] Manu. VIII.371.

[7] Śaṅkha quoted by Vivadaratnākara, p.396
श्रेयस शयनशायिनं राज्ञा बद्ध्वा श्वभिः खादयेत् काष्ठैश्चैनम् दहेन् ॥

[8] Kane, P.V. HDS. *op.cit.*

Court-procedure :- No distinction has been made between the civil and criminal courts by Kālidāsa. For the court procedure, we can rely on a few instances alluded ot by Kālidāsa e.g. theft where where detail procedure is available.

i. absconding:- The offender absconded (e.g. here in the case of theft) with the booty. In the Meghadūta, Kālidāsa has referred to absconding through windows.[1]

ii. **Investigation**:- Two types of investigators have been referred to by Kālidāsa a). who collected the information and rumours about the king. Such investigators are styled as praṇidhi[2] or āptavacana.[3] Officials to inform the activities of a particular group were engaged. On his own persons, king employed others whereas on others he employed his own persons.[4] b). *Investigation of the civilians*. One of this type is called *Nāgaraka* i.e. chief officer of the city. The word occurs in the Arthaśāstra II.36 and the Kāmasūtra V. 5.9. where the commentator explains it as *daṇḍapāśika*[5] (i.e. arresting-authority). Perhaps *Nāgarakaḥ śyālaḥ*[6] is same as Nāgaraka. Policemen are styled as *rakṣin*. Another word for investigator is *sūcaka* (Śāk. VI. p.511).

iii. **Hand-cuff**:- On being arrested, the offender was hand-cuffed on the back[7] with bars called nigaḍa.[8] Sometimes, in jail feet were also cuffed.[9]

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[1] Megh. Uttara. 6; Śāk. V.20.

[2] Ku. III.17

[3] Raghu. XIV.31;XV.48

[4] Raghu. XVII.51 परेषु स्वेषु च क्षिप्तैरविज्ञातपरस्परैः

[5] Kane, P.V. HDS. III. p.989

[6] Śāk. VI p.511

[7] Śāk. VI. p.511 पश्चादबद्धगापुरुप

[8] Māl. p.300 nigaḍapadyau निगपपद्यु

[9] ibid.

iv. **Beating:-** The alleged offender was beaten by the policemen during their remand (Tāḍayitvā). The purpose of beating was the confession of the crime and the recovery of the lost commodities (In this context to know the source of the royal ring which was found illegally in the possession of dhīvara).[1] Even after the investigation, the beating continued.[2]

v. **Abusing:-** Like the activities of the modern policemen, all sorts of abuses befitting a thief or a criminal continued in intervals.[3] During the abuses all types of social taunting and intervention in confession continued.[4]

vi. **Examination of commodities:-** With perceptional and inferential evidences, the recovered commodities were examined. Here due to the smel of the fat, an inferential conclusion was drawn that, infact, the person in possession of the royal-ring is a fisherman.[5] If a portion of the lost commodities was recovered from a person, it was inferred that the person is liable for the theft.[6]

The later half of this verse has been quoted as a legal authority by Jīmūtavāhana in Vyavahāramātṛkā and Parāśaramādhavīya. They quote a verse from Nārada, the later half of which is the same as the later half of the verse in the Vikramorvaśīya.[7]

vii. **Approach to Justice-hall:-** Policemen took the offender directly to the Justice-hall of the king (Rājakula) and waited outside till they were called inside for the hearing of the case.[1]

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[1] Śāk. V.I p.511.

[2] Śāk. VI. p.512. मारयत वा मुञ्चत वा

[3] The abuses befitting a thief are pāṭaccara, gaṇḍabhedaka, kumbhīlaka, granthicchedaka etc.

[4] Śāk. VI. p.511.

[5] ibid. p.512.

[6] Vik. IV. 17.
हंस प्रयच्छ मे कान्तां गतिस्त्वस्यास्त्वया हृता ।
विभावितैकदेशेन देयं यदभियुज्यते ।

[7] Kane, P.V. HDS. III. p.203 Also for Aparāka on Yajñavalkya II.20 See Kane, HDS. I.1 (1968), p.476.

viii. **Report of the case:-** Nāgara śyāla reported the matter to the king directly.[2]

ix. **Hearing and order:-** The king heard and examined the matter and issued orders immediately.[3]

Manu (VIII.58) and Yājñavalkya (II.12) prescribe that disputes relating to Sāhasa (killing by poison or weapon), theft, abuse, assault, cows, charges of grave sins and women (about the chastity of women and about the ownership in the case of female slaves), the defendent has to make his defence at once. Nārada (I.45) also opines the same.[4]

Here in this case, Kālidāsa follows Manu in the rule of immediate disposal of case of theft.

x. **Wait for the king till he is free:-** The policemen and the alleged offenders had to wait outside the royal palace and they were called in only when the king was free. The Nagaraka had to seek the opportunity to approach the king.[5]

xi. **Sentence-order:-** Sentence orders were served with immediate effect. Direct action was taken and there were no complications like modern Criminal Procedure Code.[6] Sentence-order was delivered on a written paper.[7] The offender was garlanded with guilty-flowers (*Vadhasumanas*?). It may be the fulfilment of the last desire particularly when he was ordered for death.[8]

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1. Śāk. VI. p.513. इमं गोपुरद्वारमप्रमत्तौ प्रतिपालयताम्
2. ibid.
3. ibid.
   यावदङ्गुलीयकं यथागमनं भर्तुर्निवेद्य ततः शासनम् ।
   प्रतीक्ष्य निष्क्रमामि
4. Kane, P.V. HDS. III. p.296.
5. Śāk. VI. p. 513 नन्ववसरोपसर्पणीयाः राजानः
6. Śāk. VI. p. 513. पुरुषं परिमुक्तबन्धनम् करोति ।
7. ibid. एष न स्वामी पत्रहस्तो राजशासनम् प्रतीष्य इतो मुखो दृश्यते ।
8. ibid. p.513

xii. **Prizes and compensation:** - In important cases particularly important for royal purposes, prizes were also given in cash together with the sentence-order.[1] There are no further rules about the compensation.

xiii. **Imprisonment:**- Kālidāsa has referred to jails as 'Kārāgṛha'.[2] Some arrests were made in the palaces (particularly in the harems) on the order of the queen arbitrarily and without any trial.[3] The feet of such detenus were cuffed (nigaḍapadyau) and they were not allowed to see the rays of the Sun (adṛṣṭasūryapādam). Another illegal confinement has been referred to by Kālidāsa.[4]

According to Kauṭilya (II.5.), there should be a separate accomodation for men and women kept apart and well-guarded at the enterances.[5] Neither Manu nor Kauṭilya have referred to the jails in harems.

Moreover, Kālidāsa's reference is to the interior jails which is contradictory to Manu. According to Manu, all jails should be so built as to face the royal road where the offenders suffering pain and in bad condition would be seen by [illegible].[6]

[illegible] **of Prisoners:**- All the prisoners were released

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1. Śāk. p.513 एषा भर्त्रा अङ्गुलीयकमूल्यसम्मितः प्रसादोपि दापितः
2. Raghu. VI. 40
3. Māl. p. 300 & 312
   सा खलु तपस्विनी तया पिङ्गलाक्ष्या सार
   भाण्डभूगृहे गुहायामिव निक्षिप्ता
4. Māl. p.300
   मालविकाबकुलावलिकां च पातालवासम् निगपद्यौ
   अदृष्टसूर्यपादम् नागकन्यके इवानुभवतः
   Also Māl. p.312
5. Arthaśāstra, II.5.
   विभक्तस्त्रीपुरुपस्थानमपसारतः सुगुप्त
   कक्ष्यम् बन्धनागारम् कारयेत् ।
6. Manu. IX. 288.
   बन्धनानि च सर्वाणि राजा मार्गे निवेशयेत् ।
   दुःखिता यत्र दृश्येरन् विकृता पापकारिणः ॥

on the advice of the astrologers.[1] The release order of the king prevailed over the arrest-order of the queen.[2] Another release order of all the prisoners was announced at the time of coronation of the King.[3]

Although no distinction between civil and criminal cases has been made but with the reference to the cases, it appears that civil litigation is called vyavahāra and Kālidāsa has referred to favouritism in the decision of the cases. The decision must be made before the person who raises doubts about the decision.[4]

Cross-examination:- Kālidāsa has referred to a specialist of cross-examination in the litigation (*viśeṣajñaḥ prāśnikaḥ*).[5] Other topics related directly with civil courts have been referred to as witness in deposits.[6] Evidence of Agni in marriage[7]; Divine witness[8], and Fire-ordeal etc.[9]

Fresh legal orders were announced in the public and the king gathered the observations and reactions of public instantly.[10]

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1. Māl. p.307.
दैवचिन्तकैर्विज्ञापिता राजा सोपसर्गं वो नक्षत्रम्
तदवश्यमः सर्वबन्धनमोक्ष क्रियतामिति
2. Māl. p.307 तच्छ्रुत्वा देव्या इरावत्याश्रितं रक्षन्त्या राजा किल मोचयतीत्यं सन्दिष्ट इति। ततो युज्यते इति तथैवं सम्पादितोर्थः।
3. Māl. V. p.332. यज्ञसेनश्यलमुरीत्य मोच्यन्तां सर्वे बन्धनस्थाः Also See Bṛhasaṁhitā's comm. by Utpala; Mṛcchakaṭika, X; Harṣacarita, II. Kane, P.V. HDS. III. p.407.
4: Māl. p.276.
पक्षपातमत्र देवी मन्यते तदस्या पण्डितकौशिकी सहितायाः समक्षमेव न्याय्यो व्यवहारः।
5. Māl. p.267.
6. Vik. V. p. 416.
7. Raghu. VII.20; IX.48.
8. Ku. V. 25
9. Raghu. XIV. 61.
10. Śāk. VI. 534.

II

Concept of Jurisdiction in Kālidāsa

Kālidāsa has not used the sense jurisdiction in its modern concept of law. But with the change of legal procedure, the meaning of jurisdiction has also changed. In the modern law in word in used in the sense of exercise of legal authortiy over a territory vested on a magistrate or judge by competent superior authority. He cannot exercise the jurisdiction in excess to his limits.

Kālidāsa has used the concept in its wider range viz. Political authority; Religious authority and social authority.

The Supremacy of in legal-cum-political authority lies with the king and law (Daṇḍa) is an inseparable ingredient of the body of the king particularly when it is inherited.[1]

It indicates that the political and legal delegation of power of king was not known. But for all the practical purposes i.e. for the execution of law it was very necessary and hence the power was divided to the competent judges. The king and judge as Supreme authority also was known from the antiquity. He controls all the persons in all in fields.[2] Moreover, in all the matters particular related to fraud and offence (chala and Aparādha) the could exercise his juisdiction by his own initiative without any one's complaint except the controvesial topic of matrimonial relationship.[3] The public was supposed to be severely in the control of the juridisction of the king and no transgression was allowed.[4]

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[1] Raghu. XVII.62
पित्रा संवर्धितो नित्यं कृतास्त्रः सांपरायिकः ।
तस्य दण्डवतो दण्डः स्वदेहान्न व्यशिष्यत ॥

[2] तैत्तिरीयसंहिता II.6.2.2 तस्माद्राज्ञा मनुष्या विधृताः

[3] Kane, P.V. HDS. Vol.III. pp.263-64

[4] Raghu. I.17.
रेखामात्रमपि क्षुण्णादामनोर्वर्त्मन परम् ।
न व्यतीयुः प्रजास्तस्य नियन्तुर्नेमिवृत्तयः ॥

The word Kṣuṇṇa may be taken here in a wider sense particularly when it is used in the context of a controller (Niyantuḥ) including the trodden jurisdiction of a king and also in the sense of territorial jurisdiction which is corroborated by other verses also. The Sea-jurisdiction in the line Āsamudrakṣitīśānām (Raghu. I.6) indicates that the territorial jurisdiction was also known to Kālidāsa and its transgression is prohibited in another verse in the Raghuvaṁśa where the word ocean (Samudra) is particularly[1] used in this context. Jursidiction mutually determined by the brother for kingship was not allowed to be transgressed.[2] Undoubtedly the first and Supreme jurisdiction lied with the king where he is said to have settled all the disputes[3] and occupying Vyavahārāsana.[4]

Moreover his Supreme duty was to protect the subjects (Prakṛtimaṇḍala)[5] in accordance with law. It was his voluntarily first jurisdiction to control the wicked.[6] His sole political supremacy is also referred again and again.[7]

Kauṭilya[8] has prescribed the decision-jobs in the second span of the division of the time of the king. The *verbatim* exposition and satire by Daśakumāracarita[1] exhibits that all the litigants in their intial and preliminary investigations (which is entrusted to lower court these days) gathered and talked freely which created an irritation in the mind of the king. It shows that the king exercised his initial and the final jurisdiction over legal matters also besides political matters.

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[1] Raghu. XVI.2.
ते सेतुवार्तागजबन्धमुख्यैरभ्युच्छ्रिताः कर्मभिरप्यवन्ध्यैः ।
अन्योन्यदेशप्रविभागसीमां वेलां समुद्रा इव न व्यतीयु ॥

[2] Same as above

[3] Śāk. V. 8. प्रशमयसि विवादम्

[4] Raghu. VIII.18 नृपतिः प्रकृतीरवेक्षितुं व्यवहारासनमाददे युवा

[5] Raghu. IX.2. अधिगतं विधिवद् यदपालयत् प्रकृतिमण्लमात्मकुलोचितम्

[6] Raghu. IX.6. नियमनादसतां च नराधिपः ।

[7] Raghu. II.47 एकातपत्रं जगतः प्रभुत्वम् । Vikromo. III. p.384 (R.P. Dwivedi's कालिदासग्रन्थावली एवातपत्र मवनेः

[8] Arthaśāstra. I.19. द्वितीये पौरजानपदानां कार्याणि पश्येत् Also कात्यायन quoted by अपरार्क p.601 on Yāj. II. 1 Quoted; HDS. II. 645 f.n.1510.
आद्यादह्नोऽष्टभागादूर्ध्वं भागत्रयं भवेत् ।
सकालो व्यवहारस्य शास्त्रदृष्टो मनीपिभिः ।

It was also the duty of the superior king to exercise his political jurisdiction for the protection of inferior kings. In the Kumārasambhava I.12(c), he has hinted to this fact through a simile i.e. when the smaller kings were afraid from the bigger kings, they sought the asylum of the other higher kings.[2] Also it was the duty of the king to protect the weaker section from exploitation by stronger section of society.[3]

Transference of the political power to the son of the king through the elderly ministers[4] is known from the owrks of Kālidāsa. In this context he has used the word nyasyatām (ni+as root)[5] which is used in the sense of deposit also in Kālidāsa. Here it means transference. In ancient India and medieval India hereditary monarchy was the norm of the Government. Kauṭilya.[6] expressly states that the practice to coronate the eldest son of the king is honoured except in the case of a calamity. The order of the transference of the kingship was ordered by the king Rāma himself.[7] For

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1. Daśakumāracarita. VIII. द्वितीयेऽन्योन्यविवदमानानां जनानामाक्रोशाद् दह्यमानकर्ण कष्टं जीवति ॥
2. Kumāra. I.12
   दिवाकराद्रक्षति यो गुहासु लीनं दिवा भीतमिवान्धकारम् ।
   क्षुद्रेऽपि नूनं शरणं प्रपन्ने ममत्वमुच्चैः शिरसां सतीव ॥
3. Raghu. II.14. ऊनं न सत्त्वेष्वधिको बबाधे तस्मिन् वने गोप्तरि गाहमाने
4. Raghu. XVII.8. तदात्मसम्भवं राज्ये मन्त्रिवृद्धाः समादधुः ।
5. Raghu. XII.2.
6. Arthaśāstra. I.17 ff. Q. HDS. III. 87.
7. Raghu. XVI.72. यत् कुम्भयोनेरधिगम्य रामः कुशाय राज्येन समं दिदेश

the transference of power a contract (Prati-śrū) with another party for a consideration, conditional or unconditional is also found in Kālidāsa just like modern treatises in international law.[1]

The transference of political power has been alluded to the younger brother of the king by an alliance to the treaty (Here Bāli's kingship being transferred to Sugrīva through Rāma). Totally uprooting the king together with disconnecting his son from the kinship is alluded to by Kālidāsa through a simile viz. Dhātoḥ sthāna ivādeśam. As a root is substituted to another root and in existence of the substitute stands *defacto* for all the extent and purposes[2] similarly Bāli was uprooted totally. After the transference the full power lied with transferee together with the epithet king.[3] It is indirectly a transference of political jurisdiction by a powerful king to the other king only for political purposes by forcibly execising his jurudisction over a foreign territory. Such political transferences are traditionally borrowed by Kālidāsa from the Rāmāyaṇa, the source. Besides sole supremacy twofold kingship is also alluded to in Kālidāsa where the supreme political jurisdiction is bifurcated so that there may not be any political conflict directly. This decision is also communicated to the council of ministers. The council of ministers also endorsed and appreciated the thinking of the king for the conciliation of administration.[1] Out of the two concepts of dvairāya and vairājya, Kauṭilya[2] has admired dvairājya for the properity of the subjects. It exhibits that Kālidāsa follows Kauṭilya directly for the concept of dvairājya.

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[1] Raghu. XII:69
तस्मै निशाचरैश्वर्यं प्रतिशुश्राव राघवः ॥
काले काले समारब्धाः फलं वध्नन्ति नीतयः ॥

[2] Raghu. XII.58
स हत्वा वालिनं वीरस्तत्पदे चिरकाङ्क्षते ।
धातोः स्थान इवादेशं सुग्रीवं संन्यवेशयत् ॥

[3] cf. Pāṇ 1.1.56 स्थानिवदादेशोऽनल्विधौ

Nomluclature Kālidāsa has used the word *sva* which appears to have been used in the sense of jurisdiction[3] but in this context it may apply to territorial jurisdiction also and we may translate it as The others removed the theft from their territory whereas in the case of Dilīpa it was only in hearing. Mallinātha explains it as svaviṣayabhūtebhyaḥ which also indicates to territory because the word viṣaya is used in the sense of territorial division also.[4]

Another word for jurisdiction used by Kālidāsa is Śāsana (etymologically śās control). It extends to the whole

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1. Mālavikā p.329 (after verse V.12),
कालिदासग्रन्थावलि तत्रभवतोर्यज्ञसेनमाधवसेनयोर्द्वैराज्यमिदानी मवस्थापयितुकामोऽस्मि ।
Verse V.13
तौ पृथक् वरदाकूले शिष्टामुत्तदक्षिणे ।
नक्तन्दिवं विभज्योभौ शीतोष्णकिरणाविव ॥
.... एवममात्यपरिपदे निवेदयामि
कञ्चुकी. देव आमात्यो विज्ञापयति । कल्याणी देवस्य बुद्धिः ।
मन्त्रिपरिपदोऽप्येतदेव दर्शनम् । कुतः
द्विधा विभक्तां श्रियमुद्वहन्तौ धुरं रथाश्वाविव से संग्रहीतुः ।
तौ स्थास्यतस्ते नृपते र्निदेशे परस्परोपग्रहनिर्विकारौ ॥
2. Arthaśāstra. VIII.2. द्वैराज्यवैश राज्ययो द्वैराज्यमन्योन्यपक्षद्वेपानुरागाभ्या परस्पर संघर्पेण वा विनश्यति । वैराज्यं तु प्रकृति प्रकृतिचितग्रहणापेक्षि यथास्थितमन्यैर्युज्यते इत्याचार्याः । नेति कौटिल्य । पितामुत्रयोभ्रक्रियोर्वा द्वैराज्यं तुल्ययोगक्षेमममात्यावग्रहं वर्तयतेति वैराज्यं तु जीवत परस्याच्छिद्य नैतन्ममेति मन्यमान कर्शयत्यपवाहयति पण्यं वा करोति विरक्तं व परित्यज्यापगच्छतीति ।
3. Raghu. I.27. व्यावृत्ता यत्परस्वेभ्यः Mallinātha परस्वेभ्यः स्वविपयभूतेभ्यः व्यावृता ।
4. Mahābhārata Ādi - - - तस्य विपये निवसामहे (Ed. C.V. Vaidya Abridged)

of Jungle territory.[1] The person having legal jurisdiction has a full control on the territory assigned to him. Kālidāsa has also used the word in that very sense.

Another word which is clearly used by Kālidāsa in the context of politico-legal sense is adhikārabhūmi.[2] The king is returning form the sky and the division of the territorial jurisdiction of the deities and the other king is directly mentioned here by the words of Mātali i.e. within a moment you shall reach you jurisdiction.

Another word which is clearly found in the sense of political jurisdiction and boundary in Kālidāsa in '*Sīmā*'. Even he brothers are not allowed to transgress their political territory. Although all the brothers were prosperous in Setu, Vārtā and elephants etc. yet didnot transgress their territorial boundaries just like that of the banks of the ocean.[3] A similar ocean boundary is mentioned as another place.[4]

Limits of jurisdiction: King exercised a full jurisdiction extending to jungles trees, bees, birds and wild animals. In the present context Nandī had a jurisdiction delegated on him by Lord Śiva which extended to full sway.[5] At another place Dilīpa himself protected the weaker beast from the stronger in the jungle. It means the king or the

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1. Kumāra II.42.
   निष्कम्पवृक्षं निभृताद्विरेफं मूकाडण्जं शान्तमृगप्रचारम् ।
   तच्छासनात् काननमेव सर्व चित्रार्पितारम्भमिवावतस्थे ॥
2. Śāk. VII.7 (after) मातलि– क्षणादयुष्मान् स्वाधिकारभूतौ वर्तिष्यते ।
3. Raghu. XVI.2.
   ते सेतुवार्तागजबन्धमुख्यैरभ्युच्छ्रिताः कर्नभिरप्यवन्ध्यैः ।
   अन्योन्यदेशप्रविभागसीमां वेलां समुद्रा इव न व्यतीयुः ॥
   Also Raghu. I.5. आसमुद्रक्षितीशानाम्
4. Raghu. I.3 पयोधरीभूतचतुःसमुद्रां जुगोप गोरूपधरामिवोर्वीम् ।
5. Kumāra. III.42 cf. Raghu. II.14
   ऊनं न सत्त्वेष्वधिको बबाधे
   तस्मिन् वने गोप्तरि गाहमाने ॥
   Also cf. Raghu. II.8. रक्षापदेशान्मुनिहोमधेनोर्वन्यान् विनेष्यन्निव दुष्टसत्त्वान

person to whom the jurisdiction was delegated had full power to exercise it. While exercising his juridiction, the person observed the offence of his own critiative, irrespective of the fact that a complaint was lodged for the offence and directly exercised his jurisdiction. In the Abhijñānaśākuntala the query arose on the initiative of the king about the obstruction in plenances or misbehaviour by some miscreant etc.[1]

Delegation of jurisdiction : Kālidāsa has referred to such like jurisdiction by the word '*pratinidhi*' or representation two type of delgates are referred to.[2] i. *Bodily* i.e. only physical representation without any political or legal activity ii. *By action* i.e. physical representation together with power of excution. Another word for delegation of exercise ofjurisdiction is *vyāpāritaḥ*[3] i.e. lit, make the other person to do the action. Lord Śiva delegated has protective power to the lion and also advised him to sustain himself with any prey in his territory arbitrarily. The deligation was generally nor exercised and it was thought to be serious grace of the lord if, in confidence, he delegated his power to his 'servant or employee.[4]

Deligation to whom : The transference of power was exercised in the case of a price after closely examining his qualities. The episet 'yuvarāja' was formally conferred.[1]

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[1] Abhijñāna. V.9.
किं तावद् व्रतिनामुपोतपसां विध्नैस्तपो दूपितं
धर्मारण्यचरेपु केनचिदुत प्राणिष्वस च्चेष्टितम् ॥

[2] Raghu. XI.13
विग्रहेण मदनस्य चारुणा ।
सोऽभवत् प्रतिनिधिर्न कर्मणा ॥

[3] Raghu. II.38
तदाप्रभृत्येव वनद्विपानां त्रासार्थमस्मिनाहमद्रिकुक्षौ ।
व्यापारितः शूलभृता विधाय सिंहत्वमङ्कागतसत्त्ववृत्ति ॥

[4] Kumāra. VI.62. निनियोगप्रसादा हि किङ्करा प्रभविष्णुपु ।

Another word for the transference of the political jurisdiction by a foreigner superior authority is 'Saṁkramayya' i.e. transmission of power. The powerful king could have controllor the administration but it was transfered to the rightful and legal successor.[2]

Religion jurisdiction : The king deputed a few persons to observe the religious states of his subjects and this type of religion jurisdiction is named as dharmādhikāra by Kālidāsa.[3] The delegation is named after the root (nit+√yuj)

Such religious jurisdiction was delegated to Prohita from the antiguity when the religio-legal matters were inseparable. Kings left the ecclesiastical matters to purohita and were always to rely on him for advice.[4]

Similarly Ṛṣi Kaṇva delegated his religious power to his daughter Śakuntala in the capacity of a kulapati. In that context also Kālidāsa has used the word (ni yuj) This delegation is limited in scope and extends only to the hospitality of the guests (atithisatkārāya).[5] The communicaiton of the full transaction was also one of the duties of the delegate.[6]

The full deligation of power to the ministers in frequently allunded when the king was indisposed or what on a short leave etc. In this context Kālidāsa has used the words (saṁniveśya)[1] or (ni+√kṣip) Govt. which also meary delegation in trust or good faith as in the word nikṣepa (deposit - in its legal sense).

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[1] Raghu. III.35
तत प्रजानां चिरामात्मना धृतां नितान्तगुर्वीं लधयिष्यता धुरम् ।
निसर्गसंस्कार विनीत इत्यसौ नृपेण चक्रे युवराजशब्दभाक् ॥

[2] Raghu. XII. 104 प्रियसुहृदि विभीपणे संक्रमय्य श्रियं वैरिणः । also cf. रघु. XII.58

[3] Abhijñāna I. (p.439 R.P. Dwivdedi's कालिदासग्रन्थावली धर्माधिकारे नियुक्त

[4] Cf. Gautamadharmasūtra. XI.12-13; HDS. II. 363.

[5] Abhijñāna. I. (p.432) - इदानीमेव दुहितरं शकुन्तलामतिथिसत्काराय नियुज्य दैवमस्याः प्रतिकूलं शमयितुं सोमतीर्थं गतः

[6] सा खलु विदितभक्तिं मां महर्पे कथयिष्यति (ibid).

Thus Kālidāsa;s jurisdiction and is deligation extends to political, social religious matters where is full and limited powers are delegated for execution.

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[1] Raghu. XIX.4 संनिवेश्य सचिवेष्वत परं स्त्रीविधेयनवयौवनोऽभवत् ॥

Chapter III

The Political Philosophy of Kālidāsa

While proponding the political thought and philosophy, Kālidāsa has not only relied on predecessor jurists but his thought is blended with a poetic element. In this way the thought has sometimes changed to a politico-legal philosophy. In the opinion of the poet without a king there is the anarchy which destroys the structure of the kingship.[1]

The relationship of the king and the subject is mainly based on the contract theory of the kingship which found in his works.[2] The Vedic literature, the Mahābhārata, the Purāṇas and other epics and almost in all the works in the jurisprudence. In other thought he clearly states that the king was created by Prajāpati andhence follows the divine theory.[3]

King: object of:- The main object of the creation of the king is the control over all the Varṇas[4] and to save them from going off from the righteous path.[5] Another object of the creation fo the king whichis frequently alluded int he works of Kālidāsa and all other juristic works is the protection of the subjects[6] even as the risk of his own

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1. Raghu. XVI.11 विशीर्णतल्पादशतो निवेश पर्यस्तशल प्रम्भुणा विना मे ।
2. cf. Raghu. XVII. 65;X86 paṇsbandha. Kauṭilya explains as
तत्र पणबन्ध सन्धि
3. Kumāra. I.17
यज्ञंगयोनित्वमेवेक्ष्य यस्य सारं धरित्रीधारणक्षमं च ।
प्रजापति कल्पितयज्ञज्ञानगं शैलधिपत्यं स्वयमन्वतिष्ठत्
4. Raghu. XV.48 and XVIII.12
5. Śāk. V.8
नियमयसि कुमार्गप्रस्थितानात्तदण् ।
प्रशमयसि विवादं कल्पसे रक्षणाय ॥
6. ibid. note 4; Raghu. XVIII.27; Kumāra. II.28
मयि सृष्टिर्हि लोकनां रक्ष युष्मास्व[illegible] ।
Śāk. II.15 रक्षायोगदयमपि तप प्रत्यह संचनोति ।

person. The king may be the aged person or a child[1] his foremost duty is the protection of the subjects.[2]

For democracy Kālidāsa has spoken the word Lokatantra.[3] This doctrine in the opinion of Kālidāsa has no rest in its structure. This lokatantra is not like a modern democracy in the opinion of Prof. P.V. Kane. To him, this type of Democracy did not exist even in Greece of any other country of the West.[4] The main object of the kingship is absolute welfare of the subject[5] which is propounded in all his writings. Bṛhaspati and Śukra have explained the similar thought besides the Mahābhārata.[6]

Another object of the kingship is to remove the fear and sense of insecurity from the man of the public.[7] The Mahābhārata, the Purāṇas and Śaṅkhalikhitau have expressed similar idea of the sacurity of the blind, and physically handicapped like a farther.[1] Besides protection as a legal duty, the kings are supposed to kill those who create problems; break the law and order in the society. Litigation is also to be looked after by the king and he is the ultimate appelate authority. The darkness from the public may be in the form of darkness of poverty or ignorance or uneducation is to be removed by the king like the course of the Sun.[2] The poet is vigilant about the negligence of the kings expressively involved in the worldly affairs. Such like kings not only destroy themselves but also destroy the whole of the subjects. Infact, Kālidāsa in the Raghuvaṁśa has highlighted the deteriorating character of such kings and cautioned the public to be vigilent against such kings.[3]

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[1] Vik. V.18 ·भ्मुवमधिपतिर्बालावस्थाऽ प्यलं परिरक्षितुम्

[2] Śāk. VII.35
प प्रवर्ततां प्रकतिहिताय पार्थिव
Raghu. IV.16
वर्पिकं संजहरेन्द्रो धनुजैत्रं रघुर्ददौ ।
प्रजार्थसधने तौ हि पर्यायोद्यतकार्म्मुकौ ॥
Śukra. I.14
नपस्य परमो धर्म प्रजानां परिपालनम् ।
and Bṛhaspati quoted in Rājanītiprakāśa. pp.254-255
तत्प्रजापलनं प्रोक्तं त्रिविधं न्यायवेदिभि ।
परचक्रच्चौरभयाद् बलिनो न्यायवर्तिन ॥
Q. Kand : History of Dharmaśāstra. III. p.56ff.

[3] Śāk. V. p.497 अथव अनिश्रमोऽयं लोकतन्त्राधिकार

[4] Kane: op.cit. III. pp.15, 20.93

[5] Raghu. XVII. 41
प्रजस्तद गुरुणा नद्यो नभस्येव विवधा ।
तस्मिस्तु भूयसीं वद्धिं नभस्ये त इवाययु ॥

[6] *Supra*. note no.7

[7] Śāk. VI. 28
यो हनिष्यति वध्यं त्वां रक्ष्यं रक्षिष्यति द्विजम्
and VI.27
आरतनां भयमपनेमात्तधन्वा ।

King was responsible for all the events including the breakup in the structure of the society and subsequently the evils entering there.[4] It is his legal responsibility to protect the children, say Gautama and Medhātithi.[5]

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1. Q. Kane : HDS. III. Mahābhārata. Śānti. 86.24
कपणानाथवद्धनां विधवानां च योपिताम् ।
Sabhā. V. 124
कच्चिदन्धांश्च मकांश्च पंगूंश्च व्यंगनबान्धवन्
पितेव पासि धर्मज्ञ तथापव्रजितानमपि ।
Also cf. Matsyapurāṇa. 251.62; Agni. 225.251; Śaṅkhalikhitau quoted in Rājanītiprakāśa, p.139
कपणातुरानाधव्यंग्वेधवाबालवृद्धनौपधावासथाशानदनैकर्बिभयात्
2. Vik. I. p.348
अलोकान्तात् प्रहिततमोवृत्तिरसां प्रजानाम् ।
तुल्योद्योगस्तव च सवितुश्चाधिकारो मतो न ॥
3. Raghu. XIX. 6ff
अन्तरेव विहरन् हिवनिशं न व्यपैक्षत समुत्सुका प्रजा ।
गौरवाद यद्यपि जातु मन्त्रिणां दर्शनं प्रकतिकांक्षितं ददौ ।
तद गवाक्षविवरांवलम्बिना केवलेन चरणेन कल्पितम् ॥
4. Śāk. VI.23
येन येन वियुज्यन्ते प्रज स्निग्धेन बन्धुना ।
स स पापद्धते तासां दुष्यन्त इति घुष्यताम् ॥
5. cf. Gautama X.48-49; Details, kane: HDS III. p.165

Types of Kingships:- Kālidāsa has propounded the concept sovereignty (Mahārāja) or Cakravarti but that had only been a fiction in the history of India. Several states exist with their autonomous administration. The elder brother was the king and all the younger brothers were as his servants.[1] The concept of Sāmantas[2] or the feudalism[3] is nto unknown Kālidāsa in his general assembly.[4] Sāmantas came one by oen to bow their heads to the supreme power whose description is found in the literary works like Kādambarī and in the epigraphs.[5]

Dvairājya:- Besides the concept of Cakravarti, Kālidāsa has referred to the concept of Dvairājya where the sovereignty was divided into two or more parts for the purposes of administration.[6] Most probably the divided kings enjoyed separate jurisdiction with good relations without disturbing the internal matters of the other. Rāma handed over the area of Sindh to his brother.[1] He parted with the territory for administration to his sons Lava and Kuśa.[2] Even the opponent parties who were in the treaty with the king[3] were given separate territories without any internal interference.

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[1] Raghu. XVIII.42 शब्दो महाराज इति प्रतीत तथैव तस्मिन् युयुजेऽर्भकेऽपि and Vik. IV.25. पथिवी भतामधिपति

[2] Raghu. XVI.1
अथेतरे सप्त रघुप्रवीरा ज्येष्ठं पुरोजन्मतया ।गुणैश्च ।
चक्र कुशं रत्नविशेपभजं सौभ्रामिपेपां हि कुलानुसारिं

[3] Vik. III. p.384
सामन्तमौलिमणिर्जितपाादपीठम्
and Raghu. XVIII.41
सालक्तकौ भूतपतय प्रसिद्धैर्ववनिदरे मौलिभिरस्य पदौ

[4] कादम्बरीकथमुखं
आासीदशेनपपतिशिरसमभ्यर्चितशासन

[5] cf. Abhana plates of Śaṅkargāra in 595 A.D. (EI.IX. p.297); in Madhuban plate of Harṣa (EI. VII p.139; EI. VI. p.298; plate of Buddharaja in 609-610 A.D. The division of Sāmanta, Mahāsāmanta, the king and the Cakravartin is found in the inscriptions of Maitareyas of Vallabhi at the end of the 5th century A.D.

[6] Māl. V. p.329
तत्रभवतोर्यज्ञसेनमाधवसेनयोद्वैराज्यमिदानीमवस्थापयितुकामोऽस्मि
and verse 13
तौ पथग्वरदाकूले शिष्टाभुत्तरदक्षिणे ।
नक्तन्दिवं विभज्योभौ शीतोष्णकिरणाविः

Vibhīṣaṇa was given the administration of Southern region although the theme is conventionally followed fromthe Rāmāyaṇa.

Division of Territory:- The division of territory was based on the Setu, Vārtā and Gajabandha which were the naturo-artificial territorial division so that the other parties do not interfere with the territory of the other party. This has been expressed through a simile of the ocean who does not transgress its limits.[4] Kauṭilya has spoken of this setu both the natural and artificial in the context of the boundary marks.[5]

King and the Law:- The new kings were given instructions in good and bad politics as well as the persons expert in legal matters imparted the instruction of law.[6] The king who fully becomes conversant with the legal

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1. Raghu. XV. 87
2. ibid. XV.97
3. ibid. XV. 103
   लंकानाथं पवनतनयं चोभयं स्थापयित्वा ।
   कीर्तिस्तम्भद्वयमिव गिरौ दक्षिणे चोत्तरे च ॥
4. Raghu. XVI.2
   ते सेतुवार्तागजबन्धमुखैरभ्युच्छ्रिता कर्मभिरप्यवन्ध्यै ।
   अन्योन्यदेशप्रविभागसीमां वेलां समुद्र इव न व्यतीयु ॥
   Also Raghu. XVI.2.
5. Arthaśāstra 3.9.10.
   सीमाविवदं ग्रामयोरुभयो सामन्ता पंचग्रगी दशग्रामी व सेतुभि स्थावरै कृत्रिमैर्वा कुर्यात् ।
6. Raghu. IV.10
   नयविदभिर्नवे राज्ञिसदच्चोपदशितम् ।
   पूर्व एवाभवत् पक्षस्तस्मिन्नाभवदुत्तर ॥

matters was called Nayacakṣuṣa.[1] The word for right policy is Naya in the Arthaśāstra.[2] The protection of the subjects (prakṛti) is also to be done by the King.[3] According to Kauṭilya, if the king protects his earth, he is never defeated.[4] Control overa ll the castes is one of the major subjects of the Dharmaśātra. One of the important duties of the kings is to control the intermixture of the castes[5] besides the protection of the small kings.[6] They were expected to be vigilent against the expansion by the enemies.[7] For all the extent and purposes the king is responsible for the atmosphere and the Time (Kāla). In a long discussion about Daiva and Puruṣakāra, the Mahābhārata in the context of jurisprudence reaches the conclusion that the king is responsible for every political event. It has been reproduced *verbatim* int eh Vikramorvaśīyam.[8] Natural calamities are also related to the king and it is the legal duty of the king to remove all these calamities[9] including the fire, flood and famine and

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1. Raghu. I.55
2. Also cf. Arthaśāstra. 1.2.11; 6.1.18; 6.2.6,11
3. Raghu. IX.2
   अधिगतं विधिवद यदपालयत् ।
   प्रकतिमण्लमातमकुलोचितम् ॥
4. Arthaśāstra. 6.1.18
   आतमवांस्त्वल्पदेशोऽपि युक्त प्रकतिसम्पदा ।
   नयज्ञ पथिवीं कत्स्नां जयत्येव न हीयते ॥
5. *Supra* : Note on 3A.
6. Kumāra. I.12
   दिवाकरद्रक्षति...
   क्षुद्रेऽपि नूनं शरणं प्रपन्ने ममत्वमुच्चै शिरसं सतीव
7. Raghu. VIII.23
   इति शत्रुषु चेन्द्रियेपु च प्रनिपिद्धप्रसरेषु जाग्रतौ
8. Vik. IV. p.391
   यथा मुनयोऽपि व्यहरन्ति राजाा कालास्य कारणर्मित
   cf. Śāntiparvan, 70.6n (critical Edn.)
   इति ते संशयो मा भूत राजा कालस्य कारणमिति ।
9. Raghu. I.63

the spread of diseases. Kāmandaka has elaborated these elements.[1] In the opinion of Kālidāsa it is not an easy job to possess the kingship. 'Uneasy lies the head that wears the crown' is *verbatim* propounded by Kālidāsa. He will have to tolerate allthe tortuces for public welfare in the code of the duties of a king day and night.[2] He has no rest. The division of the day and night is found in the Kauṭilya's Arthaśāstra and other juristic works. In the whole of the daily routine there is no time for his personal enjoyment. The responsibility of premature death[3] of any other person. The rumours and their consequences is also the liability of the king.[4] He has to perform all the duties of public in time in accordance with the Śāstra.[5] The Śāstra or a treatise on political science has been referred to by Kālidāsa as a science for deceiving others.[1] This science perhaps refers tothe Kauṭilya's Arthaśāṣtra which had become notorious for its deception amongst Dharmaśāstrins to the extent that all the literary works depicted it as a deception-science.

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[1] For iti : *SEE* Kṣīrasvāmin on the Amarakośa *viz.*
अतिवृष्टिरनावृष्टिर्मूपका शलभा शुका ।
अत्यासन्नश्च रजाना पेते ईतय स्मता ॥
Also Kāmandaka. 13.2
हुताशनो जलं व्याधिर्दुभिक्षं मरकास्तथा ।
इति पंचविधं दैवं व्यसनं मानुपं परम् ॥
Also. 13.63-64
असत्करश्च दण्श्च परचक्राणि तस्करा ।
राजानीकप्रियोत्सगो मरकव्याधिपीनम् ।
पशूनां मरणं रोगो राष्ट्रव्यसनमुच्यते ॥।

[2] Śak. VA. p.497 (R.P.Dwivedi's edn.)
Raghu. XVII 49 स्वसुखनिरभिलाप खिद्यसे लोकहेतो ॥
रात्रिन्दिवविभागेपु यथादिष्टं महीक्षिताम् ।
and XVIII.18 तत् सिपेवे नियोगेन स विकल्पपरामुख ॥

[3] Raghu. XV.44
सुखानि सो भुक्त सुखोपरोधि वत्रं हि राज्ञमुपरुद्धवत्तम् ।
न ह्यकालभवो मत्युरिक्ष्वाकुपदमस्पशत् ।

[4] Raghu. XV.47

[5] ibid. XIV.24; XVII.77 शास्त्रनिर्दिष्टवर्तमना ।

ŚAKTIS

Kālidāsa has spoken of a number of Śaktis as political powers[2] including Prabhuśakti as a separate power. The minute analysis of these Śaktis[3] has been in the Arthaśāstra.[4] Kālidāsa has spoken of the three groups[5] of political science which may be the three sādhana śaktis themselves.[6] In his opinion there are four types of the political science.[7] The four types have been explained in a number or ways by various authorities. Kālidāsa has spoken the Saptāṅga[8] theory of political science which is also elaborated in the Arthaśāstra.[9] For the political accomplishment he has spoken of Sāma, Dāna Vidhi, bheda and Nigraha.[10] These six ingredients have been mentioned

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[1] Śāk. VA. Verse 25 परातिसन्धनमभीयते यैविद्यति ते सन्तु किलाप्तवाच and Raghu. XVII.76
पराभिसन्धानपरं यद्यप्यसय विचेष्टितम्
जिगीषोरश्वमेधाय धर्मयमेव बभूव तत्

[2] Raghu. XVII. 59; For Prabhuśakti

[3] Raghu. VIII.19 अनयत् प्रभुशक्तिसम्पदा वशमेको नपतीननन्तरान्

[4] cf. Arthaśāstra. 6.3.30ff.
शक्ति सिद्धिश्च
बलं शक्ति
सुखं शक्ति
शक्तिस्त्रिविधा ज्ञानबलं मन्त्रशक्ति कोशदण्डबलं प्रभुशक्ति विक्रम बलमुत्साहशक्ति ।

[5] Raghu. III असूत पुत्रं समये शचीसमा त्रिसाधनशक्तिरिवार्थमक्षयम् ।

[6] Raghu. XVIII.50 तिस्रस्त्रिवर्गाधिगमस्य मूलं जग्राह विद्या प्रकृतीश्च पित्रया ।

[7] Raghu. XVII.68 इति क्रमात् प्रयुञ्जानो राजनीतिं चतुर्विधाम् ।

[8] Raghu. I.60

[9] Arthaśāstra. 6.1.1. स्वाम्यमात्यजनपददुर्गकोशदण्मित्राणि प्रकतय ।

[10] Raghu. VIII.21 सामदानविधभेदनिग्रहा सिद्धिमन्त इव तस्य भूपते ।

BVBSSMV

as contract etc. elsewhere.[1] The six types of the army for the accomplishment has also been referred to both in theory[2] and practice.[3] The four groups of knowledge (caturvarga)[4] has also been referred to by Kālidāsa which has already been propounded byt he Arthaśāstra as Ānvīkṣikī, Trayī, Vārtā and Daṇḍanīti.[5] The four groups have been enlisted by Kālidāsa himself as Dharma, Artha, Kāma and Mokṣa.[6] Like Kauṭilya and later by Bhāravi, Kālidāsa also thinks that there should not be any conflict in Dharma. Artha and Kāma. They should be strictly placed in water-tight compartments.[7] The ideal of all the three is seen in the Kumārasambhava where both Artha and Kāma become subservient to Dharma and hence all of them appear like Dharma.[8] The sense of detachment in Artha and Kama is propounded elsewhere as ideal of life.[9]

Enemies:- Kālidāsa has spoken of two types of enemies viz. six internal and six external.[10] If one wins over the internal enemies, all his external enemies become temporary only (anitya). These six internal enemies have been explained as Kāma, Krodha etc.

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[1] Raghu. VIII.21 पणबन्धमुखान् गुणानज पुपयुइवत समीक्ष्य तत्फलम्

[2] Raghu. IV 26
स गुप्तमूलप्रत्यन्त शुद्धपार्पिरयान्वित
ण्विधं वलमादाय, प्रतस्थे दिग्जिगीपया ॥

[3] Raghu. XVII.67
स गुणानां वलानां च पाणां पण्मुखविक्रम ।
बभूव विनियोगज्ञ साधनीयेपु वस्तुपु ॥

[4] Raghu. X.22

[5] cf. Arthaśāstra. 1.2.1 आन्वीक्षिकी त्रयी वार्तात दण्नीतिश्चेति विद्या ।

[6] Raghu. X.84 धर्मार्थकाममोक्षाणामवतार इवांभाक् । Also XIV.21.

[7] Raghu. XVII. 57
न धर्ममर्थकामाभ्यां बवाधे न च तेन तौ ।
नार्थकामेन कामं वा सोऽर्थेन सदृशस्त्रिपु ॥

[8] Kumāra. V.38
अनेन धर्म सविशेपमद्य मे त्रिवर्गसार प्रतिभाति भाविनी ।
त्वया मनोनिर्विपयार्थकामा यदेक एव प्रतिगह्य सेव्यते ।

[9] Raghu. XVII.60
कोशेनाश्रयरणीयत्वमिति तस्यार्थसगह ।
वम्बुगर्भो हि जीमूतश्चतकैरभिनन्द्यते ॥

[10] Raghu. XVII.45

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Treasure (Kośa):- Kośa is an essential and important ingredient of the kingship.[1] In the political philosophy of Kālidāsa also it finds the same place. On the one hand, the king should take the taxes from public without greed and prejudice (agṛdhnu) and on the other hand he should distribute it for the welfare of public. If it is not possible for the king, the subject or prakṛti will leave the king. It has been expressed through the simile of Cātakas who only like the cloud full of water.

Kauṭilya has also spoken of the Kośa and Daṇḍa as the essential ingredients to have a control over the subject.[2]

Daṇḍa:- Daṇḍa is more important in the political philosophy of Kālidāsa even as compared to the importance of treasure. A few Ācāryas quoted in the Arthaśāstra thought that Daṇḍa is the only instrument to control the subjects but Kauṭilya does not agree with them. Kālidāsa also appears to be the follower of the tradition of the old Ācāryas in giving importance to Daṇḍa policy. In accordance with the philosophy of Kālidāsa excessive Kāma can destroy anyone through attachment (Rāga) as its spy.

Prakṛti:- The ideal propounded by the poet is that a king should be the friend of public and should cultivate a deep affection for public which will subsequently cultivate the same subsequently. He has compared this doctrine with

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1. ibid. XV.13 & XVII.81
2. Arthaśāstra, I.4
   तया स्वपक्षं च परपक्षं च वशीकरोति कोशदण्ाभ्यम्
   and
   तस्मात् लोकयात्रार्थी नित्यमुद्यतदण् स्यात्
   न ह्येवंविधं वसोपायनमस्ति भूतानां यथा ादण् इतयाचार्या नेति कौटिल्य
   1.4.6. Here Kauṭilya is contradictory with Kālidāsa.

a tree[1] again and again whose roots are, unless deeply rooted int eh subjects, cannot flourish. The kingship depends upon the attachment of detachment of the Subjects. If not deeply rooted, a new king can very easily be uprooted.[2]

Policy :- Towards subjects, Kālidāsa has spoken of twotypes of policy viz. i. lenient ii. strong. In his opinion, the lenient (Kātarya or mṛdu) is a policy only in name and does not beget any fruit fromthe side of the public whereas the extraordinary strong policy also creates the law of Jungle (śvapadaceṣṭitam). Hence their synthesis[3] is essential to get the results of kingship. Kauṭilya also speaks of the lenient policy as a defeat to the king and a strong policy as irritating the public. The balance[4] of the attitude is a contribution of Kālidāsa which is borowed *verbatim*

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1. Raghu. XVII.44
इतथं जनितरागासु प्रकतिष्वनुवाासरम् ।
अक्षेभ्य स नवोप्यासीद् दमूल इव दु ॥
2. Raghu. XVII.55
कामं प्रकतिवैराग्यं सद्य समयितुं क्षम ।
यस्य कार्य प्रतीकार स तत्रैवोपपादयत् ॥
Also Mālavikā, I.8
अचिराधिष्ठितराज्य प्रकतिष्वरूमूलत्वात् ।
नवसंरोपणशिथिल तरुरिव सुकर ममुद्दर्तुम् ॥
3. Raghu. XVII. 47
कातर्यं केवला नीति शौर्यं स्वापदचेष्टितम् ।
अत सिद्धिं समेताभ्यामुभ्यामन्वियेप स ॥
4. Raghu. VIII.9
न खरो न च भूयसाा मद्ध पवमन पथिवीरुहानिव ।
स पुरस्कृतमध्यमक्रमो नमयामास नृपाननुद्धरन् ॥
Also Raghu. IV.8.
स हि सर्वस्य लोकस्य युक्तदण्तया मन ।
आददे नातिशीतोण्ण नभस्वानिच दक्षिण ॥

from Arthaśāstra.[1] He has spoken of a rude attitude (Nitāntarūkṣam)[2] also.

The administration of kingship, in the opinion of Kālidāsa, is not an easy job. It is not the pleasure but a liability where he has to tolerate the torture for the pleasure ofothers.[3] The removal of natural calamities (Īti) is also his legal responsibility. He has to divide his day and night programmes in accordance with the injunctions is laid down by the Dharmaśāstrins and the Arthaśāstrins.[4] For this division of time, he is indebted to both Kauṭilya and Manu. 'He enjoys what is an obstruction in the enjoyment,[5] is the opinion of Kālidāsa regarding the idea in political philosophy. If someone dies premature, there is something lacking in the administration of the king.

Transmission of the kingship:- The king of Kālidāsa bigger or smaller transmit their kingship to their voluntarily[6] and the ministers become the media for this transmission[7] who arrange the coronation cremony which is found in all the juridical and non-juridical works in India in details. Although the succession development upon the eldest son, the pre-granted boon can change it.[1] Because Kālidāsa follows the them of the Rāmāyaṇa, in the Raghuvaṁśa that is why he followed the story of vare of Kaikeyī without making any innovaiton himself. Not only with the consultation of council of ministers but it were only they themesleves who made all the arrangement for transmission and coronation.[2] The king himself went to jungle.[3]

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[1] Arthaśāstra. 1.4.7.fle कौटिल्य तीक्ष्णदणो हि भूतानामुद्वेजनीय भवति मदुण् परिभूयते यथार्हदण् पूज्यते ।

[2] Raghu. XIV.43
नितान्तरूक्षाभिनिवेशमीशम् ।

[3] See Note no. 40.

[4] See note no. 38, 40.

[5] See note no.40.

[6] Raghu. VIII.11
गुणवत्सुतरोपितश्रिय परिणामे हि दिलीपवंशजा ।
and Raghu. XVI.72
यत्कुम्भपानेरधिगम्य राम कुशााय राज्येन समं दिर्देश ।
and Vik. V.17
अहमपि तव सूनावद्य विन्यस्य राज्यम् ।

[7] Raghu. XVII.8
तंदात्मसंभवं राज्ये मन्त्रिवद्ध समाादधु ।
For the succession of the eldest son and its history *See* Kane: *op.cit*. III. p.87. Also the Arthaśāstra. I.17

Delegation of Power:- The duty of the king knows no rest. But for a change, there is a provision of the delegation of powers on ministers[4] and other officials during his absence from the kingship. But the was supposed to be physically present and could be convened back if and emergency arose in the administration.[5]

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[1] Raghu. XII.5.

[2] .Raghu. XVI.9
ते तस्य कल्पयामासुरभिषेकाय शिल्पिन ।
and XVI.10
तत्रैनं हेमकुम्पुसंभतैस्तीर्थवाारिभि ।
The elders amongst the co[arcemers (jñātis) performed the coronation and nīrājanā (Raghu. XVI.12). The king orders the council of ministers to do the preparation for the coronation ceremony. VIK. V. p.420
मदवचनादामात्यपरिषदं बूहि संभ्रियतामायुषो राज्याभिषेक इति
For details of coronation and its history - See Kane: *op.cit* III. pp.72ff.

[3] Raghu. XVIII.9 वने तप क्षान्ततरश्चचार

[4] Raghu. XII.2. Kālidāsa used ni + as both for transference of power and the 'Deposit' Also Vik. IV. p.387
उर्वशी किल तं रतिसहायं राजर्षिममात्येष निवेशितराज्याधुरं गहीत्वा गन्ध मादनवनं विहर्तं गता ।

[5] Śāk. VI.32
त्वन्मति केवला ताावत् परिपालयतु प्रजा ।
अधिज्यमिदमन्यस्मिन् कर्मणि व्यापृतं धनु ॥

Delegation and non-deligation of religious powers[1] tot he next successor is found in Kālidāsa. He has spoken of two kinds of representatives. i. by body ii. by action.[2]

Defacto transference of Political Power :-The regime of Bāli was not given to his son Aṅgada but it was transferred to his younger brother Sugrīva.

Kālidāsa has given here an interesting simile of grammar which proves that it was the transference of power *defacto* and not *dejure*. 'Dhātoḥ sthāna ivādeśam': it is a transference of not only the power *defacto* but for all the extent and purposes of the original rot shall exist subservient to the to the substitute.[3]

It indicates that the original legal successor shall serve the substitute where as the transference of the designation king shall be given to the substitute.

Treaties:- The treaty with the relative of the opponent to get the fruit in time is although an ethical fraud, but Kālidāsa accepts it in his political philosophy as a real political doctrine.[4]

Dharmavijayī king:- Kālidāsa has prasied a dharmavijayī type of king whowill win the other king and give back his won land.[1] Arthaśāstra has spoken of this type of king amongst other type viz. lobhavijayī and asuravijayī[2] This type of the king is found in Nītivākyāmṛta and Viṣṇudharmottarapurāṇa also.

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[1] Śāk. V. p.497
कामं धर्मकार्यमनतिपात्यं देवस्य ।
अतिथिसत्काराय नियुज्य सा खलु विदितभक्तिं मां महर्षे करिष्यति ।
and Śāk. I. p.432

[2] Raghu. XI.13 विग्रहेण मदनस्य चारुणा सोऽभवत् प्रतिनिधिर्न कर्मणि ।

[3] Raghu. XII.58
स हत्वा बालिनं वीरस्तत्पदे चिरकाक्षिते ।
धातो स्थान इवादेशं सुग्रीवं संन्यवेशयत् ।
cf. Aṣṭādhyāyā I.1.56
स्थानिवादादेशोऽनलविधौ

[4] Raghu. XII.104
प्रियगृहृदि विभीषणे संक्रमय्य श्रियं वैरिण
Also Raghu. XII.69
तस्मै निशाचरैश्वर्य प्रतिशुश्राव राघव ।
काले काले समारब्धा फलं बध्नन्ति नीतय ॥

Political arbitrators:- Kālidāsa has spoken of the importance of political arbitrators who act legally to decide all the mutual problems of the kings (madhyama).[3] In his opinion, such arbitrators are only solutions against the harsh kings.

Conclusion:- Kālidāsa is influenced byt he Kauṭilya Arthaśāstra to the extent of 75% in various doctrines although he names it a deceptive science which might have been the influence of the Dharmaśāstrins lead by Manu whom he admires. The Uśnas school[4] spoken by Kālidāsa may be the same which was quoted by Arthaśāstra as Auśanasāḥ. The Mahābhārata is also quoted by Kālidāsa beyond doubt. The comparison of Kāmandaka and Nītivākyāmṛta is only accidental because all of them might have borrowed from a common source.

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1. Raghu. IV.36
   गहीतप्रतिमुक्तस्य स धर्मविजयी नप ।
   श्रियं महेन्द्रनाथस्य जहार न तु मेदिनीम् ॥
2. Arthaśāstra. XII
   त्रयोभियोक्तारं धर्मासुरलोभविजयिन इति । तेप्मामभ्यवपत्तया धर्मविजयी तुष्यति । तमभ्यवपद्येत् । परेषामपि भयद् भूमिद्रव्यहरणेन लोभविजयी तुष्यति तमर्थेना भ्यवपद्येत् । भूमिद्रव्यपुत्रदारप्राणहरणोनासुरविजयी तं भूमिद्रव्याभ्यामुपगह्याग्राहय प्रतिकुर्वीत ।
   Also cf. Nītivākyāmṛta, pp.362-63 which reproduces kauṭilya स धर्मविजयो राजा विधेयमात्रेणैव सन्तुष्ट प्राणार्थाभिमानेपु न व्यभिचरति । स लोभविजयीराजा यो द्रव्येण कतप्रीति प्राणाभिमानेपु न व्यभिचरति । सोऽसुरविजयी य प्राणार्थमानोपधाचेन महीमभिलपति ।
   Also See, Viṣṇudharmottarapurāṇa, II. 145.21 for Dharma-vijayī and adharmavijayī.
3. Raghu. XIII.7.
   नपा इवोपप्लविन परेभ्यो धर्मोत्तरं मध्यममाश्रयन्ते ।
4. Ku. III.6.
   अभ्यारोंानस्योशनसापि नीतिम् ।

Chapter IV

The King

Kings supremacy once in earth has been depicted Kālidāsa.[1] He has depicted a luxicides kingship which is first equal to the state of India except that Index common tour the earth.[2] In the beginning of the Raghuvaṁśa Kālidāsa has existed in characteristics of a king which are more based on ideolofical norms than the actual characteristics.[3] But a few of them are *verbatim* borrowed from legal texts.[4]

The main object of the birth of the king is the upliftment of the public (lokā-bhyadaya)[5] and apararge which shows in administration of the king blended with the religious doctrines. Mallimatha has explained it as a synthesis of the forms of Pravartake and nirvartaka. In the opinion of Kālidāsa,

The etymology of the word kṣatriya is related to the "defence of the public" where in protection against the

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1. Raghu. II-47
   एकातपत्रं जगत प्रभुत्वं
2. Raghu. II-50.
   महीतलस्परशनामत्रभिन्नमद्धं हि राज्यंपदमैन्द्रमााहु ।
3. Raghu. I. 5-8.
4. Astrośāstra II. 7.
5. Raghu. VI-14.
   त्रभृत्र सत्वं शुभशंसि तत्क्षणं भवोहि लोकाभ्युदयाय तादृशाम्
   Mallinātha explains :
   यातिपार्थित्वलिगधारिणौ ददशाते रघुराघवौ जनै
   अपवर्गमहोदयार्थ योर्भुवमंशाविव धर्मयोर्गतौ ॥
   Raghu. VIII.16
   निवर्तक प्रवर्तकरूपयोरित्यर्थ

explotiation of the inferior creatures by the superiods is the main function.[1] His main function is the protection against all types of calemit's (upeplara) including human like the protection of the sons by a father.[2] The protection of cow signifies the protection of the earth where all the words are used with double enterded.[3]

His jurisdiction extends to the jingle and hermistages also wehre he has to protect the element exercising their force against the innocent girls.[4] He not only controls human beings but in the pretext of the protection of the cow of and sages controls the immodest and violent animals also inthe jungle.[5] The ladis in the jingle were quite safe under his proteciton and roue could does to touch their clothes against their will.[6] But jingle decoits are also mentioned in Malanka. His main function is in protection varna and Āśrama crititution and he con take his arms out anytime for the murder of regone who vilates his law.[7]

All the *younger brothers* are under his control and his orders are to be obeyed irrespective of the made of order

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1. Raghu. II.53
   क्षतात्किल त्रायत इत्युदग्र क्षत्रस्य शब्दो भुवनेषु रूढः
   and Raghu. II.14
   ऊनं न सत्वेष्वधिको बबाधे तस्मिन् वने गोप्तरि गोप्तारि गाहमाने
2. Raghu. II.48
   जीवन् पुन शश्वदुपप्लवेभ्य प्रजा प्रजानाथ पितेव पाासि
3. Raghu II.3
   पयोधरीभूतचतुसमुद्रां जुगोप गोरुप धरामिवोर्वीम्
4. अभिज्ञान. I.22 - p.437
   राजरक्षितव्यानि तपोवनानि नाम क पैखे वसुमतीं शासति शासतरि दुर्विनीतानाम्
   अयमाचरत्यविनयं मुग्धासु तपस्विकन्यकासु ॥
5. Raghu II.8
   रक्षापदेशान्मुनिहो धेनोर्वन्यान् विनेष्यन्निव दुष्टसत्वान्
6. Raghu II.75
   यस्मिन् महीं शासति वापिनीनां निद्रां विहारार्धपथे गतानाम् ।
   वातोऽपि नास्रंसयदंशुकनि को लम्बयेदाहरणाय हस्तम् ॥
7. Raghu XV.52
   शीर्षच्छेद्यं परिच्छिद्य नियन्ता शस्त्रमाददे

including the family and social.[1] Younger brothers are never independent.[2] The elder brother, at his own initiative can consult his younger brothers in confidence and seek their opinion. But his opinion in the law which has to be ececuted by the younger brothers without any question.[3]

Relation of king a Public :

Treats his subjects like his ownself and identifies himself with them.[4] Kālidāsa has given another etymology of this relation viz. from the root rañj which means to please the public.[5] The moral responsibility of the activities resulting from the violating his duties including the protection of an varṇāśrama institution lies on the king.[6] The king discharges the function of the discipling including education protection and the maintance of the children of the state which is a social responsibility of their own fathers.[7]

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1. Raghu XIV 46
   आज्ञा गुरुणां ह्यविचारणीया
   and King: order of even of undesirable had to be uttered
   महीपते,शासानमुज्जगार
   and Raghu XIV 59
   भात्रा यदित्थं परवानसि त्वम्
2. Raghu XIV.43 :
3. Raghu XIV 36
   स संनिपात्यावरजान्
   कौलीनमात्मा श्रयमाचचक्षे तेभ्य पुनश्चदे मुवाय वाक्यम
4. Raghu VIII.10
   प्रकृतिष्वात्मजमात्मवत्तया
5. Raghu IV 12
   तथैव सोऽभूदन्वर्थो राजा प्रकृतिम् जनात् ।
   and Raghu VI 21
   प्रजाजंन लब्धवर्णा
6. Raghu XIV 85
   वर्णाश्रमावेक्षणजागरूक ॥
   and Raghu XV.42
7. Ragha I. 24

The king is depicted as a controlle whose main function is to control the bad and immodest public.[1] But his attitude for good people is like his own progency[2]

Supreme - Judge :- He occupies the supreme seat of the judicary to administrate law to public.[3] Surrender to the king and accept the penalty of the law was thought better.[4]

His behaviour for other kings was at parity.[5] The object of in king is to maintain in pority of himself the public. [6] Taking the traditional theme of the Rāmāyaṇa Kālidāsa also acceptes the supermacy of public will if it is repugnant to his presonal life. Rāma in order to excute the will of the public repudicts Sītā even if he thinks that she is absolutely pure.[7]

His policy is a secert and cannot be inferred from his face. it is only the result which exhibits its beginning.[1] A number of type of ordinance and thier publicizaiton is mentioned by prof. B.S. Upadhyaya.[2]

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[1] Raghu I.17; I.55
and Raghu IX-6
नियमनादसतां च नराधिप
and अभिज्ञान VI p.530
भवाानेव अविनीतानां शासिता ।अस्य वरणे प्रभविष्यति ।

[2] अभिज्ञान॰ V 5
प्रजा प्रजा स्व एव तन्त्रयित्वा

[3] Raghu VIII 18
नपति प्रकतीखेक्षितुं व्यवहारासनमाददे,

[4] Raghu XV 53
कतदण् स्वयं राज्ञा लेभे शूद्र सतां गतिम्

[5] मालवि॰ I.p. 264
एतन्नु वो विदितं यत् तुल्याभिजनेपु राज्ञां वत्ति

[6] Raghu I.12 I.5
तदन्वये शुद्धिमति प्रसूत शुद्धिमत्तर

[7] Raghu XIV- 40
अवैमि चैनामनघेति किन्तु लोकापवादो बलवान् मतो मे

Harlm : Although in kings ideal is depicted to have one wife and one earth or laksmi.[3] figucational called his wife,, yet the larems are not unknown to Indian kings including the depiction by Kālidāsa.

The ideal of Rāma who not with standing the fact that he sent his wife in exile[4] never remembered inspires Kālidāsa. The performance of sacrifice with her idol is most ideal.[5]

At the victory of the sons, the haram was given huge presents of ornaments.[6] The gulln when in king favoured out of love was called Devī.[7] Another dignified word is Rājñī.[8]

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1. Raghu O.20
तस्य संवमन्त्रस्य गूाकारोिगतस्य च
फलानुमेया प्रारम्भा संस्कारा प्राक्तन इव मन्त्र
2. Upadhyaya, B.S., India is Kālidāsa Hindi version : Kālidāsa-Kālidasa Bharata. Vol. I, p.187
3. Raghu XIV 86 तमेकभार्याम् and Raghu I32. तया मेने मनस्विन्या लक्ष्म्य च वसुधाधिप
4. Raghu XIV 39
त्यक्ष्यामि वैदेहसुतं पुरस्तात
5. Raghu XIV 87
सीतां हित्वा दशमुखरिपुनर्नोपयेमे यदन्याम् तस्या एव प्रतिकतिसखो यत् क्रतूनाजहार
6. मालवि० V. p.332
पुत्रविजयनिमित्तेन परितोपेण अन्त पुराणामाभरणानां म्जूपास्मि संवत्ता ।
7. मालवि० V. p.333
अथ दैव्यैव कतप्रणयविशेपां दत्तदेवीशब्दां मालविकामत्रभवान् प्रतिग्रहीतु मिच्छति ।
अभिजनेनैव दत्तो देवीशब्द किं पुनरुक्तेन ।
and अभिज्ञान० IV p.484
भर्तु बहुमानसूचकं देवीशब्दं लभस्व भर्तुर्वहुमताा भवम
Also IV.7.
8. मालवि० I. p.268
राज्ञीशब्दभाजनमपि चिन्तयतु भवती ।

Regent :- Yuvarja was a designation which was given to a son afther rigious examination on the basis of the natural saṁskāras and modesty.[1] Generally the eldest was a yuvareja but is violation was not unknown due to one orthe other pretext in polygamous society. Elsewhere I have given the nomenclative 'Same mator' to this institution which was known in the Ṛgveda, Epic & Purāṇas.[2]

The younger brothers were under the strict order of in elder and could not question or violate his authority. The Divison of administration amongst the brother is called Dvaijya which is known to Kālidāsa both in peospecity & territory.

Insignia :- An umbrella (ātapatra) (āmaras) (Bālavyajana) are two insignia of the king. His younger brothers carry them like attendents due to his kingship and love for in elder brother.[3] The two cāmaras and the royal unbrella are not ot be transferred to others.[4] Dilīpa's

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1. Raghu III.35
तत प्रजानां चिर नात्मन धतां नितान्तगुवो लघयिष्यता धुरम् ।
निसर्गसंस्कारविनीत इतयसौ नपेण चक्रे युवराजशब्द भाक् ।
2. Narang S.P. Soma-mātor : a lost socio-legal institution of the Ṛgvedic. Mysore orientalist (Century volume, 1993) HIndi version : Samamātor : Ṛgveda kī eka lupta sāmājika evaṁ vidhiśāstrīya saṁsthā Dr. Sampūrnananda Smṛti-grantha. Varanasi, 1994, pp.182-194.
3. Raghu XIV-11
सौमित्रिणा सावरजेन मन्दमाधृतबालव्यजनो रथस्य
धतातपत्रो भरतेन सक्षादुपायसंघात इव प्रवद्ध
and Raghu IV 85
रजो विश्रामयन् राज्ञां छत्रशून्येपु मौलिपु
and विक्रमो॰ IV.4 p.391
and कु॰ I-13
Raghu XIV.43
4. Raghu III.16
अदेयमासीत् त्रयमेव भूपते शशिप्रभं छत्रमुभे च चामरः

kingship coudl be inferred with his facial lustre although in jiungle he had no royal insignia.[1]

Royal Seal :- The royal seal with letters of the name on it are referred to.[2]

Aśvamedha : In the Aśvamedha sacrifice a protector (goptṛ) was sent along with hundred Rājaputres.[3] It was one of the activity to establish oneself as lightmade king. A number of present swere brought for the king at this occasion.[4] At this occasion the yūpas were visible in the villages where sacrifices were performed.[5] At such occasions the citizens particularly the young girls scattered auspicious field rices (lāja) which was a social custom.[6]

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1. Raghu II.7
स न्यस्तचिह्नामपि राजलक्ष्मीं तेजो विशेषानुमितां दधान
2. अभिज्ञान॰ I. p.443
नममुद्राक्षराव्यनुवाच्य परस्परमवलोकयत
3. मालवि॰ V. p.331
विदितमस्तु योऽसौ राजयज्ञदीक्षितेन मया राजपुत्रशत[illegible]नं वसुमित्रं गोप्तरमादिश्य
and Raghu II-38
राजसुनैरनुद्रतम्
4. Raghu XV.58
[illegible]गाय मुकतर्श्वं रक्ष कपिनरेश्वरा मेघा सस्यमिवाम्भोभिरभ्यवर्षन्नुपायन
5. Raghu I.44
[illegible]त्मविसृष्टेषु यूपचिह्नेषुयज्वनाम्
6. Raghu II.10
अवा[illegible]रन् वाललता प्रसूनैराचारलाजैरिव पौरकन्या

Chapter V

Officials

Amatya

A number of jobs were entryted to the Minister (amatya) who was a chief counsel in financial and public affairs. He submitted the important papers to the king for hisi personal and observation.

Purodhas:- The position of Purodhas was restricted to a religious Purohita and in the present context he performs the marriage ceremony of the couple.

Raṣtriya :- He appears to be an official over police who has disese accesobility to the servants of the royal palace to report the matters tothe king.

Kañcukin:- He is an oldman with a vetrayaṣṭi in his hand as a royal etiquette. No retirement of Kañcukin is recorded. He joins as a youngman and continues upto oldage.

Pradhānapuruṣa :-

Sandheśaharaḥ :- He is an official who carries the confidential messages to the king. His another name is ājñaptiharaḥ.

Such a confidental royal messenger kurangaka is referred to in Haeṣcarits V.

Prakṛtipuruṣa :- A Prakṛpuruṣa who can after his dress in accordance with the need (Kīmarūpa) and is just lice the modern public relaiton officer is refered to in the Meghadita.

Niyuktapuruṣa:- He is a gatekeeper of the royal palace.

Suravandin:- Their main function is to carry the Cāmaras.

Āptavacana: In appears to be an adjective for an offical who carries on confidential job of collecting news from public because his words must be accepted.

He is called praṇidhi also. With his help nothing was unknown to the king. They collected informations about the king.

In this system two persons who did not know one another were deputed on one another to check their activities.

Chief of the army (Senānī):- A senānī in the Kumārasambhana is the son of the king (context : son of Śiva) who was entrusted with the job of subduing the enemy. The main camp of in Cakravectịon is called kaṭaka.

Army : Besides the royal army, even the sec-traders (Sārthavāhas) used to keep their own army for proteciton of their person and ship against in see- picates.

Transference of Power :- With in vouuntails transference of power, the whole of the official machinary including servants also transferred.

Coronation (Abhiṣeka) : -- At the time of the coconation of the king water from various pilgrimages, rivers and sea-shores was brought by various representatives of various communities. It is inherited by Kālidāsa from the Rāmāyaṇa. The elderly ministers performed the ceremany.

Saptāṅge

Besides the material about the king & amātya (*Supra*), the following material may be added :-

Amātyapariṣad :- The council of ministers (amātyapariṣad) considered and appreciated the proposals for the administration sent by the king for consideration. The ministers (amātya) after initial inuestigation of the case wrote his decision which hwas ₊ent to the king for find affroval. The king could reject or revẹrse the opinion of the minister which was again sent to him for the execution. Ministers, in order to see in case and administration, moved in public also with changed dress. Saṁsad :- The saṁsad, a latitical body had sessions including the "night sessions" and reported the matters to the public hecticularly to the Brāhmanas for their approval which was, perhaps, never rejected.

Prakrti :- Transference of Prakṛti which is generally associates with the king is also referred to. The independence of Prajā is also referred to.

Territory :- The state divison is one the basis of Janapada or Prakṛti (Viśāṁpatiḥ)

Soverignty :- It is an importance phenoven in the thought of Kālidāsa. To give up in sovereignty which was acquired by the mother of the king with effort the sake of in respected elder an ethical emotional value introduced by the polt Kālidāsa. These is nouse of in kingship if the protective ethical value if not enforced by the king.

Army : The construction of the fort and expedition against powerful king called Daṇḍacakra are two defenisive and offensive functions of the army. There is a reference to the Gnerilla warface (Kītyauddhavidhi). But direct warfare (sonmārguddha) is better. The surrender of the army by remaining their helments (śirestrāṇa) is also referred to.

Chapter VI

Taxation in Kālidāsa

Purpose of Tax : Kālidāsa has referred to a number of theories for the imposition of tax on the public and his legal right to collect the tax as well.

1. Divine Theory : The king was created by Prajāpati for the protection of the earth and the person who was capable of doing so was entrusted with this task.[1] From his very birth the king had a right to collect the taxes.

The clue to this divine theory is available in scattered quotations in the legal literature[2] were not only his authority to collect the taxes but also his absolute sovereignty over the creatures is established.

ii. Protection : Another consideration for the collection of taxes which is frequently alluded to by Kālidāsa in various contexts is the protection of subjects.

The protection of the earth;[3] protection from wild animals;[4] protection of the subjects;[5] protection from thieves;[6] protection of the small kings from the bigger

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1. Ku. I.17.
   यज्ञाङ्गयोनित्वमवेक्ष्य यस्य सारं धरित्रीधरणक्षमं च
   प्रजापति कल्पितयज्ञभागं शैलाधिपत्यं स्वयमन्वतिष्ठत् ।
   Also KU.II.28 मयि सृष्टिर्हि लोकानां रक्षा युष्मास्ववस्थिता ।
2. धनानामीश्वरा रज ब्रह्मणा परिकल्पित ।
   भूतानां विशेषेण भर्तासौ त्रिदशोपम ।
   Q. in परशुरामप्रताप folio 27a (from Kane, HDS III. p.196 f.n.
3. रघु० १७.६६ रक्षासदशमेन भूः २.३ पयोधरीभूतचतुस्समुद्रा
4. रघु० २.८ रक्षापदेशान्मुनिहोमधेनोर्वन्यान् विनेष्यन्निव दुष्टसत्त्वान्
5. रघु० २.३८ while protecting the jungle, the lion found the cow and he was legally authorized to make her a prey. Also -रघु० २.४८ जीवन् पुन श्वदुपप्लवेभ्य प्रजा प्रजानाथ पितेव पासि ।
6. रघु० १.२७, व्यावृत्ता यत्परस्वेभ्यः

kings[1] and protection of the hermitages from demons in the Āśramas against the obstruction of penances[2] is frequently alluded in Kālidāsa's works.

iii. Contact : Kālidāsa has alluded to a contract of the public, the hermitages and the wild-life with a king to protect and in consideration pay a tax.

Such contract is found in the legal right of the king to collect taxes in various forms from the antiquity in legal and non-legal literature. According to Mahābhārata, the birth of this contract is due to anarchy, indiscipline and Matsya-nyāya in the society where the contract with the subjects to protect them in consideration of the texts is propounded in details.[3] Baudhāyana,[4] and Kauṭilya[5] also propound this contrast. It exhibits that in the works of Dharmasūtras as well as Arthaśāstra and semi-legal literature the doctrine of contract is well-known. Kālidāsa follows the traditional ideal.

iv. Treasury : The purpose of tax was to filling the treasury of the king because the king minus the treasury means nothing which is expressed poetically by Kālidāsa.[6]

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1. कुमार० 1, 12
दिवाकराद्रक्षति यो गुहासु लीनं दिवा मीतमिवान्धकारम् ।
क्षुद्रेऽपि नूनं शरणं प्रपन्ने ममत्वमुच्चै शिरसां सतीव ॥

2. रघु० १७,६५
तपो रक्षन् स विघनेभ्यस्तस्करे यश्च सम्पदः ।
यथास्वमाश्रमैश्चक्रे वर्णैरपि षंडशमाक् ।

3. महाभारत, शान्तिपर्व, ६७,१,२१.
तमब्रुवन् प्रजा मा भैः कर्तृनेनो गमिष्यति ।
पशूनामधिचाशद्धिरण्यस्य तथैव च ॥
धान्यस्य दशमं भागं दास्यामः कोशवर्धनम् ।
कन्यं शुल्के चारुरूपां विवाहेपूअतासु च ॥

4. बौधायनधर्मसूत्र १,१०,१

5. अर्थशास्त्र १,१३

6. रघु० १७,६०
कोशेनाश्रयणीयत्वामति तस्यार्थसङ्ग्रहः ।
अम्बुगर्भो हि जीमूतश्चातकैरभिनन्द्यते ।

A similar idea has been expressed by Kauṭilya in the context of the importance of treasure and its care also which is an essential ingradient for the kingship.[1]

Another theory which is prevalent in legal literature that the king is the real and *de facto* master of the land and he has all the rights to get the taxes[2] has not been alluded to by Kālidāsa.

The following words for tax have been used by Kālidāsa :

1. Kara[3] : It is a popular word for tax which is used by legal, semilegal, poetic and later literature as well, a number of words related to the word kara are used by literature. Manu, Yājñavalkya, Mahābhārata, Pañcatantra, Harṣacarita, Kathāsaritsāgara and the Purāṇas including the Bhāgavatapurāṇa use this word.[4] It exhibits that it is the most improtant word for text which is used by the whole of literature and Kālidāsa also frequently uses it as well.

ii. Artha[5] : Kālidāsa has used ths word for tax. But in Sanskrit world, it is used in its widest sense of wealth, economic-sociology, prosperity etc. and rarely in its sense of tax. Kālidāsa also appears to be using it in its wider sense and not strictly in its legal sense.

iii. Vṛtti[6] : Kālidāsa appears to be using it in the sense of tax whereas the word is used for means of subsistence; maintenance and livelihood in Mahābhārata and Suśruta Kāma-Sūtra uses it in the sense of livelihood.[1] Manu has used it in legal literature but in a different sense of subsistence and Kullūka has given the synonym 'Bhṛtti' for Vṛtti in the sense of employment or means of subsistence.[2]

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[1] अर्थशास्त्र २.२ कौशमूला कोशपूर्वाः सर्वारम्भा तस्मात् पूर्वं कोशमवक्षेत ॥

[2] कात्यायन १६,१७
भूस्वमी तु स्मतो राजा नान्यद्रव्यस्य सर्वदा ।
तत्फलस्य हि षडमार्ग प्राप्नुयात्नान्यथैव तु ॥
भूतानां तन्निवासितत्वात् स्वामित्वं तेन कीर्तितम् ।
(राजनीतिप्रकाश p. 261 मित्रमित्र)

[3] रघु० २५,४५ etc.

[4] Williams Monier, Sanskrit Dictionary : (MWD), See the words : करग्रह, करग्रहण, करग्राहिन् करद; करदी कृ, करपण्य, करपाल, करप्रचेय, करप्रद, करभार, करी.

[5] रघु० १,२४

[6] अभिज्ञान० ५.४ षष्ठांशवृत्ते,

Kālidāsa appears to be deviating himself from the tradition and does not use it in the legal sense but in the wider sense of "the subsistence of the king" i.e. the tax.

iv. Vetana : Like Vṛtti, Kālidāsa has used the word Vetana also in its wider sense.[3] In the legal literature i.e. Manu and Mahābhārata, it is used in the sense of wages, hire, salary, subsistence and livelihod. Rājataraṅgiṇī uses it in the sense of 'price' whereas in lexicography, it is used in the sense of 'silver'.[4] Manu has included 'Vetanādāna' as one of the topics of litigation on non-payment of wages.[5] But Kālidāsa has not used the word in its legal sense.

5. Upa + hr : This expression has been used by Kālidāsa in the sense of 'tax' but instead of expressing the commodity, it expresses the mode of paying the tax. In the Vedic literature, the Brāhmaṇas, the sūtras, the Mahābhārata and Suśrutasaṁhitā, it is used in the sense of 'to bring near'; to offer or to place before.[6]

Likewise Kālidāsa uses it in the sense of 'bringing the presents' which in the context appears to be the tax. So Kālidāsa does not use it artictly in its legal sense.

6. Bali[7] : This word is used for tribute from antiquity. It is used Vedic literature, legal literature i.e. Manu,

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[1] Williams, Moiners, op.cit.

[2] मनु० ८.४११ (कुल्लूकः वत्तिर्पितो भृत्यमात्रेन पीडितः !

[3] रघु० १७,६६ दिदेश वेतनं तस्मै

[4] Williams, Monier, op.cit.

[5] मनु० ८,२१८

[6] Williams, Monier, op.cit.

[7] रघु० १.१८. स ताभ्यौ वलिमग्रहीत

Mahābhārata; in the Sūrya literature,[1] Pāṇini[2] and in the Brāhmaṇas.[3] For tax, three words become popular viz. Bali, kara and bhāga which are taken by the tradition of lexicography. The distinction has not been explained very clearly. Amarakośa not only read these words but also included the word Śukla, Prābhṛta, Pradeśana, Upāyana, Upagrāhya, Upahāra and Upadā[4] whereas Hemacandra in his Abhidhānacintāmaṇi included only three words for tax viz. Bali, kara and Bhāga.[5]

Kālidāsa has used the word 'upahāra' in the sense of presents in the forms of tributes which the defeated kings gave to the superior kings.[6]

7. Upadā[7] : Kālidāsa has used the word 'upadā' for presentation and not strictly for taxation.

8. Upāyana[8] : It is also used in the sense of presentation and was used in its wider sense like upa+√hṛ.

9. Bhāgadheya or bhāga : The word has been placed in variant reading in foot-note by Prof. R.P. Dwivedi (p.454) but it should be read in the main text because the other words used by Kālidāsa and lexicographers have similarity in readings.

Like other words, Bhāgadheya is also used in the sense of share, portion, property, lot, fate, etc. by the older literature but it is used in the sense of 'tax' in the reference of the 'share of the king'.

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[1] MWD. Also see the words : बलिकर,बलिकत्,बलिभूत्,बलिमत्,बलिहार,

[2] अष्टाध्यायी ३.२.२१

[3] MWD बलिकृत् ,बलिमत्

[4] अमरकोश० २.२७.२
द्विपाद्यो द्विगुणो दण्डो भागधेय करो बलि ।
घट्टादिदेयं शुल्को स्त्री प्राभृतं तु प्रदेशनम् ॥
उपायनमुपग्राह्यमुपहारस्तथोपदा ॥

[5] अभिधानचिन्तामणि बलि, करो भागधेयो द्विप्पाद्यो द्विगुणो दम । ३.७४५

[6] रघु० ४८४

[7] रघु० ४.७ उपदा विविशु शश्वत्

[8] कुमार० २.३७

According to Prof. "Here bali is contrasted with bhāga which is a general term - the word kara appears to mean a tax in general - the word bhāga is also general and means the king's dues on land, trees, drugs, cattle and wealth etc."[1]

The analysis exhibits that Kālidāsa uses these words not in their legal sense strictly but in their general and wider sense.

It is interesting that these words are not very well defined even in legal literature. The similarity of words with Amarakośa demonstrates that Kālidāsa uses these words, perhaps from lexicographical tradition and not strictly from legal literature tradition. A frequently uses the words upa-hṛ, upāyana which befit in poetic tradition than the words Bali and śulka which are legal in sense.

Quantity of Tax : Kālidāsa has generally alluded to one sixth portion as tax.[2] It appears that Kālidāsa is in favour of collecting tax from all the spheres of society notwithstanding the type of a particular quality. He has referred to the collection from both the Āśramas and Varṇas.[3]

In this concept, Kālidāsa appears to be following the legal literature where it is propounded that even cooks, carpenters and potters should also contribute one day's labour as a substitute for the tax.[4] In the legal literature as well as non-legal literature generally one sixth of the income is prescribed as tax.[5] Rāmāyaṇa has spoken of one

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1. Kane, HDS. III, p.190.
2. अभिज्ञान० ५५.४ षष्ठांशमन्येरपि धर्म एव रघु० २.६६ रघु. १७.६ रघु. ५.८
3. रघु. १७.६५
   तपो रक्षन् स विघ्नेभ्यस्तस्करेभ्यश्च संपद ।
   यथास्वमाश्रमैश्चक्रे वर्णैरपि षडंशभाक् ॥
4. मनु. .३३ विष्णुधर्मसूत्र ३.३२, गौतम. १०.३१.३४
5. विष्णुधर्मसूत्र २२, मनु. ७/८० .etc.

sixth[1] as well as one fourth of the income as tax. Other legal works speak of variety of portions of income as tax. It is one sixth; one eighth and one twelfth as tax.[2] Maskarībhāṣya on Gautama Dharmasūtra has prescribed this variety in the case of adhama, madhyama and uttama type of land.[3] Ashokan inscriptions have spoken of one eighth of the income as tax.[4]

It shows that from time to time, the quantity of taxes varied. To Kālidāsa, perhaps, one sixth is most reasonable that is why he has not given any substitute other than one sixth. This notion corresponds with most of the legal literature.

Principles and purpose of tax : The main purpose for collection of the taxes is the welfare of the subjects.[5] As the sun takes the water in order to give it back thousandfold. it is, no doubt, a poetic exaggeration. At another place, he has spoken of the subjects as ultimate goal of the king.[6] To meet the full demands of the supplements is one of the purpose of collection of money.[7]

The main principle applied in the collection of the taxes is "non-greed."[8]

This principle of "non-greed" is generally found in the

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1. रामायण, अरण्य, ६.११
   अधर्मः सुमहान् नाथ भवेत् तस्य तु भूपतेः ।
   यो हरेद बलिषड्भागं न च रक्षति पुत्रवत् ॥
2. रामायण, अरण्य, ६.१४
   यत् करोति परं धर्म मुनिर्मूलफलाशनः ।
   तत्र राज्ञश्चतुर्भाग प्रजाः धर्मेण रक्षतः ॥
3. गौतमधर्मसूत्र, १०.२३
4. Hultzsch, *Corpus Inscriptionum Indicarum*, I. p.164.
5. रघु. १८ प्रजानामेव भूत्यर्तं स ताभ्यो बलिमग्रहीत् ।
6. रघु. ४.८६.
7. रघु. १.६. यथाकामर्चितार्थिनाम् ।
8. रघु. १.२१. अगृध्नुराददे सोऽर्थम् ।

instructions of Kauṭilya,[1] the Mahābhārata[2] and Śukranītisāra.[3] It is very strange that the principle of rationality,[4] which is an essential part of the taxation-system in ancient India is escaping the sight of Kālidāsa whereas he has applied this principle in the context of administration of law.[5] Kālidāsa has omitted the exemptions from the privilage class of society which in the opinion of Hopkins, Brahmins and Kṣatriyas enjoyed.[6]

Types of taxes : Kālidāsa has described two types[7] of taxes :

i. Voluntarily when a king demands from another king,
ii. and if not, forcibly. The word *abhyarthitaḥ* indicates that the demand, right from the king to a man in street, perhaps, had to be made by the king or his representative.

As stated previously even the persons in the Āśramas gave the taxes whether in the form of Nīvāra or indirectly in the form of spirituality. Kālidāsa appears to be following the view that it is the duty of the public to pay the taxes. The tax in the form of spirituality[8] was contrary to the tax in coin or kind. That is why, perhaps, the persons in the hermitages or in other words moneyless good persons were exempted from the tax in cash. But there are indications

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1. अर्थशास्त्र ७.५ प्रकृतीनां ज्ञयो लाभो वैराग्यं चोपजयते । क्षीणाः प्रकतयो लोभं लुब्धा यान्ति विरागताम् । विरक्ता यान्त्यमित्रं वाभतीरं ध्नन्ति वा स्वयम् ।
2. महाभारत० शान्ति ७१.२० मालाकारोपमो राजन् भव माड्गारिकोपमः ॥
3. शुक्रनीतिसार.४.२.११३
4. मनु.७.१२७ शान्तिपर्व ८७,१३-१८.कात्यायन Quoted in राजनीतिप्रकाश, , p.276; Kane, HDS. II; Sternbach, Juridical S.A.I.L., I. pp.508-529.
5. रघु.१.६.
6. Hopkins : Social Condition of Ruling Class, JAOS, 13, p.89.
7. रघु.४.५८
   अवकाशं किलोदन्वान् रामायाभ्यर्थितो ददौ ।
   अपरान्तमहीपालव्याजेन रघवे करम् ॥
8. अभिज्ञान.२.१४ तप षड्भागमक्षय्यं ददत्यारण्यका हि नः ।
   अभिज्ञान.२.१५ रक्षायोगादयमपि तप प्रत्यहं संचिनोति ।

that notwithstanding the idealism of exemption of taxes from hermitages, persons entered the hermitages to collected the one sixth of Nīvāra grain. It is corroborated by the evidences of landgrants of Gupta kings.[1]

For the collection of taxes, it was felt that, treasure, an essential ingredient of the kingship must be full. There is no respect of the king whose treasure is empty.[2]

i. Raids on the rich : To full in the treasure, kings made a raid on the rich people. In the context of Raghuvaṁśa, the raid was made on the treasure of Kubera, a symbolic figure for the rich people.[3]

These types of raids on rich and sourceful persons are not unknown in other documents. Kauṭilya given the top importance to treasure and has not only prescribed force to achieve the goal but has also prescribed requests to the general resourceful public i.e. farmers, traders, wine-sellers, prostitutes, boar-sellers, animal and egg-sellers to contribute money to royal treasury.[4] This requesting sytem is corroborated by inscriptional evidences.[5]

It is all in the case of emergency otherwise Kauṭilya himself, is against the use of such a force.[6] KANE[7] has referred to a number of instances where the kings acquired the property of the temples also with different pretexts.

In the context of taxes, it is also strange that the popular aesthetic notion of collection of taxes from public[1] as a bee extracts from a flower is omitted by Kālidāsa.

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[1] अभि.शा. पृ. ४५४ नीवारषष्ठभागमस्माकमुपहरन्त्विति ।

[2] रघु. १७.६०
कोशेनाश्रयणीयत्वमिति तस्यार्थसंग्रहः ।
अम्बुगर्भो हि जीमूतश्चातकैरभिनन्द्यते ॥

[3] रघु. ५.२८-३० मेघ उत्तर. ३ वित्तेशानां...... ।

[4] अर्थशास्त्र ५.२.१ इति कर्षकेषु प्रणयः इति च व्यवहारिषु प्रणयः...मनु. १०.११८ शान्ति पर्व ८६-३३

[5] EI. VIII. p.36, pp.15-16, the word *Praṇaya* is also used like that of Arthaśastra

[6] अर्थशास्त्र ५.२ [illegible]

[7] HDS. III [illegible]

ii. Presents

(a) **By Naigamas and Sārthavāhas** : Prof. B.S. Upadhyaya has referred to it as a tax from the Naigamas in the form of presents to the kings.[2]

(b) **By the victory of the kings** : Valuable presents in the form of horses, heaps of gold, elephants and other valuable presents by the defeated kings are referred to by Kālidāsa.[3]

(c) **By Public** : Presents by the public are also spoken of in Kumārasambhava.[4]

(d) **Local Products** : Kālidāsa has spoken of the taxes from the local products of the mines, forms, forests as a tax to the king.[5] While to his visits to the villages, even the smallest farmers brought the presetn of the local products of their village[6] as a present which might be another from of tax.

iii. **Monopolized trades** ; Prof. B.S. Upadhyaya[7] has referred to the monolozing the trades of the bridges, income Vārtā elephents and damps and in his opinion it was a good source of income for the king Kamandaka has also spoken of these monopolies as a source of income to the king.[1]

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[1] उद्योगपर्व ३४.१७-१८
यथा मधु समादत्ते रजन् पुष्पाणि षटपदः । and
[illegible] ५.६२ पुष्पं पुष्पं विचिनुयन्मूलछेदं न कारयेन
also धम्मपद. ४९.

[2] विक्रमो. ४.४. [illegible] नैगमाः सानुमन्तः ।

[3] रघु. ४.[illegible], ३९, ४४ मालविका (पृ. ३२०), महासाराणि [illegible] ।

[4] कुमार. २.३[illegible] [illegible] रत्नानि सरितां [illegible] ।

[5] रघु [illegible]
[illegible] जान् ।
[illegible] ॥
also रघु. [illegible] वनात् [illegible] ।

[6] रघु. १.४५ हैयङ्गवीनमादाय घोषवृद्धानुपस्थितान् ।

[7] Upadhyaya, B.S कालिदासकालीन भारत, I. p 251

iv. **Estate Duty** : Estate duty as such has not been propounded by Kālidāsa on co-paraceners or survivors of the deceased. It indicates that the inheritance changed without any type of duty on development.

But in the case of issuless deceased who had no sign of any issue in figure, the full property developed upon the state irrespective of the extent of the estate. However, in polygram if there was any sign of progeny in any of the wives of the deceased, the property developed upon the would be progeny and not upon the state.[2]

It must have been a substantial source for royal treasury. Kālidāsa has not spoken of the wealth-tax, gift-tax, excise duties, sales-tases and other municipal taxes.

V. **Bars** : Kālidāsa has not spoken of any taxes from the small bars on the road-side but the conjecture of B.S. Upadhyaya[3] that the king must not have spared them because it is prescribed in the Arthaśāstra fails in the absence of any direct evidence. In previous pages, I have shown a substantial difference of the Arthaśāstra and the Mahābhārata with Kālidāsa.

To conclude, Kālidāsa has not brought open all the sources of the taxes. Generally one sixth has been imposed as tax at per. The disparity and rules thereof have not been given. In vocabulary, he follows the tradition of lexicographers more than the tradition of jurists.

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1. कामन्दक.५.७८-७९
   कृषिर्वणिक्पथो दुर्गः सेतुः कुञ्जरबन्धनम् ।
   खन्याकरधनादानं शून्यानां च निशंवनम् ॥
2. अभिज्ञान. VI, pp. 533 ff.
3. उपाध्याय, भ.श. कालिदासकालीन भारत. १.२५४.

Chapter VII

Terrorism and its Remedies in Kālidāsa

Origin :- In the opinion of KD. when the strict law and order of a king or a competent authority becomes loose, it gives birth to terrorism[1] (Symbol : when the thunderbold of Indra is seilelnt, vṛtra raises his power). The looseness of law and order may be in the looseness of the Pāśa or Pracetas[2] or varuṇa who is a deity of law and order in vedic mythology; or Kubera's hand without & mace (gadā[3] or yama without a daṇḍa[4] (Śleṣa : law and order) or the silence of the Ādityas.[5]

Absence of forceful initiative (vegabhaṅga) to maintain law and order is another reason for the birth of terrorism (context : the force of the Maruts).[6] when the anger of the king disappears (Context : Huṅkāra of Rudras)[7], the terrorism comes in the picture. Moreover, when the sense of protection of the public decreases[8] or the negligence prevails the king.[9] The terrorism comes into existence.

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1. KU. II. 20
   प्रशमादर्चिषामेत दनुदर्गीव्णसुरायुधम् ।
   वृगस्य हन्तु कुलिशं कुण्ठिताश्रीव लक्ष्यते ॥
2. Ku.II. 21-24.
3. Ku.II. 21-24.
4. Ku.II. 21-24.
5. Ku.II. 21-24.
6. KU. II.24
   अमी च कथमादित्याा प्रतापक्षतिशीतलाा ।
   चित्रन्यस्ता इव गता प्रकामालोकनीयताम् ॥
7. KU. II.25
8. Ku. II.28. मयि सृष्टिर्हि लोकानां रक्षाा युष्मास्ववस्थित
9. Śāk. VI. 26
   अहन्यहन्यात्मन एव ताव-
   ऽज्ञानुं प्रमादस्खलितं न शक्यम् ॥

In the absence of the strict law and order, the public also takes its own ways of living which a king common afford to know.[1]

Nomenclatuel :- The nomenclatuel for terrorism in Kālidāsa is "viprakṛta" which etymologically means disturbance both physical and psycological, which is explained by Mallināta as 'upapluta' (running away due to fear).[2] The epithets used for terrorists explain their characteristics viz. Jālmaḥ (cruel). Dānava and its synonyms (having the activities like demons,[3] dasyu[4] (a decoit) and vadhya[5] (who deserves a death).

The nature of a terrorist is depicted by KD. as cruel (krūra) who shall murder everyone coming before his eyes[6] (Śleṣa : Sānni-pātike), They are the persons who have proceeded to a bad-path which must be controlled by a king.[7] The word Daśakaṇṭha in double entendic indicates that the terrorists are moving in the groups.[8] They are working under the patronage and supervision of some higher authority who has made them a privileged class (vara in the context).[9] The lady terrorists are also known (context Tāḍakā) and the king should not have any compassion for

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1. Śāk. VI.26
प्रजासु क . केन प्रथम प्रयाती ।
त्यशेपत को नु विद्किरोतु ॥
2. KU. II.1
3. Vik I (R.P. Dwivedi's Kālidāsa-grankāvati, p.341 केनापि दानवेज चित्रलेखााद्वितीयाा अर्थपथ एव बन्दिग्राहं गहीतां अपि ज्ञायते कतमेन दिग्विभागेन गत स जाल्म हताशा दानवाा
4. ibid. V. p.410 विहगदस्यु
5. Vik. V. 6 अनेन निर्मित्रतनु स वध्य
6. Ku. II. 48
तम्मिन्नुपायाा सर्वे न क्रूरे प्रतिहतक्रिया ।
वीर्यवन्त्ययौंपधार्नाप विकारे सान्निपातिके ॥
7. Śak. V.8. नियमयसि कुमार्ग प्रस्थितानातदण् ।
8. Raghu. XIII. 77.
9. Ku. II.32 भवल्लब्धवरोदीर्णस्ताारकाव्यो महासुर ।

such ladies as well.[1]

Terrorists have no geographical boundaries for their cruel activities. They may uproot the peaks of the mountains or destroy its innocent inhabitants to decorate their houses to lead a luxurious life.[2]

Object

As stated above, the object of the terrorists is to lead a luxurious life which may be at the risk of adultration of the atmosphere[3] or the disturbance in general public life. The generation of administration in the atmosphere is another object.[4] Religious disturbance is their object.[5] Through rumours they change the fame of the king to defamation.[6] Another object of the terrorists is to destroy the defensive instruments (context : Airāvata) with superior weapons.[7] Terrorist's first for the blood like a lion has been recorded by KD.[8]

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1. Raghu. XI.17
तां विलोक्य वनितावधे घणां
पतत्रिणा सह मुमोच राघव ।
2. KU. II.43
उतपाट्य मेरुश्रृगाणि क्षुण्णानि हरितां खुरै ।
आक्रीपर्वतास्तेन कल्पिता स्वेपु वेशमसु ॥
3. Ku. II.44
मन्दाकिन्या पयशेपं दिग्वारणमदाविलम् ।
हेमाम्भोरुहस्यानां तद्वाप्यो धाम साम्प्रतम ॥
4. Ku. II.44
5. Śāk. I. 30. मूर्तो विघ्नस्तपस
6. Ku. II. 47.
उचचैरुच्चैश्वरास्तेन हयरत्ममहारि च ।
देहव्द्धमिवेन्द्रस्य चिरकालर्जितं यश ॥
7. Ku. II.50
तदीयास्तोयदे ष्वद्य पुष्क रावर्तकादिपु ।
अभ्यस्यन्ति तदाघातं निर्जितैरावता गजा ।
8. Śāk. VI. 27
एष त्वामभिनवकण्ठ शोणितार्थी. शार्दूल पशुमि[illegible] चेष्टमानम् ॥

The fulfilment of their drug-addiction is another object which has become a regular feature of their identity. It includes the smoking, a bad small of marrow from the mouth and abnormal hair-dressing.[1]

Activities of the Terrorists

The main activity of the terrorists is to create disturbance in the public and their action is just like that of comet i.e. quick and sudden.[2] The disturbance is described with the root 'Kl's'[3] He cannot be controlled with gifts but his only remedy is counter-violence.[4]

Disturbance in the normal situation is the object of his activity which is accomplished particularly through religious persons.[5] All their activities are cancealed and done through abnormal conditions and routes.[6] This disturbance is performed through the uprooting of establishments particularly if they are stronger.[7] Cheating[8]

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1. Raghu. XV.16 धूमधूम्रो वसागन्धी ज्वालाबभ्रुशिरोरुह ।
2. Ku. II. 32 उपप्लवय लोकानाम धूमकेतुरिवोत्थित
3. Ku. II.40
4. Ku. II.40
   इतथ माराध्यमानोऽपि क्लिश्नाति भुवनगयम् ।
   शाम्ये त्वत्यपकारेण नोपकारे दुर्जन ॥ Also 49-50.
5. Śāk. I.30
6. Śāk. VI. p.537 अदष्टरूपेण केनाापि सत्त्वेनाातिकम्य मेघप्रतिच्छन्दस्य प्रासादस्याग्रमभूमिरोपित एपमां कोऽपि प्रत्यवनतशिरोधरम् इक्षुमिव त्रिभ्गं करोति ॥
7. Ku. II. 27 लब्धप्रतिष्ठा (Malli लबधाास्थितय) कतव्यावक्षय परै (Malli कतप्रतिष्ठिभ्गा)
8. Vik. II. p.366
   हा धिक् हाधिक् भो
   म्लायमानकेसच्छविना मयूरविच्छेन विप्रलब्धोऽस्मि
   Frandulent movements : Raghu. XI.29 य सुबाहुरिव राक्षसोऽपरस्तज तत्र विगसर्प मायमा

murder[1] and theft[2] are their other activities.

Not only Cohersion for ladies both simple[3] and Royal,[4] but their abduction[5] and taking away their property[6] and belongings are their other activities to general fear and insecurity in public.

They make the other persons slave and extract forced-labour from them irrespective of the service conditions, schedule of service of shifts of service.[7] They are the enemies of intellectual.[8]

Even the strongest warriors try to make compromise with them and give them gifts to appease them (context : India).[9] The terrorists enjoy the control of the strongest forces (context: The Sun) who will serve under their strict control and vigilence.[10]

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[1] Ku. II.48
तस्मिन्नुपाया सर्वे न क्रूरे प्रतिहतक्रिया
वीर्यवन्त्यौपधानीव विकारे सान्निपाति के.
Here murder through ety. Sānnipātike (Sam + ni+√pat)

[2] Vik II.48 विहगदस्यु

[3] Vik. I.4बन्दीकृता बिबुधशत्रुभिरर्धमागे

[4] Abduction of Sītā in Raghu. XIII.77. The objective is used purposely.

[5] Vik. I. p.341
केनाापि दानवेन चित्रलेखाद्वितीय अर्थपथ एव बन्दिग्राहं गृहीतां

[6] Ku.II. 41
तेनाामरवधूहस्तै सदयालूनपल्लवाा ।
आभिज्ञाश्छेद पातानां क्रियन्ते नन्दनद्रुमा ॥

[7] Ku. II.36
पर्यायसेवामुत्सज्य पुष्पसम्मारतत्पर ।
उदयानपालसामान्यमतवस्तमुपासते ॥

[8] Vik. I.4 विबुधशत्रुभि । which means intellectuals & śāk. I.30

[9] Ku. II.39
तत्कृतानुग्रहापेक्षी तं मुहूर्दूतहारितै ॥
अनुकूलमतीन्द्रोऽपि कल्पद्रमविभूपणै ॥

[10] KU.II.33
पुरे तावन्तमेवाास्य तनोति रविरातनम् ।दीर्घिकाकमलोन्मेपो यावन्मागेण साध्यते ॥

They treat with the highest officers as if they are their simple servants.[1] They have a hold on the property of the strongest personality (context : Śiva & his kalā).[2] They accept the gratification from the wealthy agencies (context : ocean) who presents them jewels. All the time rich people are waiting upon him which may be due to cohersion.[3] They enforce the royal agencies to provide them requisite facilities to perform their activities. (Context : Vāsuki and light).[4]

Hijacking of the planes and destroying them in the sky is another activity of the terrorists referred to by KD. It is executed to create a fear in the mind of good tourists and hence stop intercommunication and tourism.[5] Hijacking the best vehicles are also referred to (context : uccaiśravas).[6] Terrorists keep the captives in bad condition particularly the ladies.[7] In this context it may be mentioned that KD.Ś description of the terrorists are not accidental

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1. Ku. II. 36 (Note.41).
2. KU. II.34.
   सर्वाभि सर्वदा चन्द्रस्तं कलाभिर्निपेवते ।
   नान्वते केन्वलां लेखां हरचूामणीकताम् ॥
3. KU.II.37.
   तस्योपायनयोग्यानि रत्नाानि सरितां पति ।
   कथमप्यम्भसामन्तरा निप्मते प्रतीक्षते ॥
4. KU.II.38.
   ज्वलन्मणिशिखारश्चैन वाासुकिप्रमुखाा निशि ।
   स्थिरप्रदीपतामेत्य भुज्गा पर्युपासते ॥
5. KU.II.45.
   भुवनालोकनप्रीति स्वर्गिभिर्नानुभूयते ।
   श्विलीभूते विमानाानां तदापातभयात् पथि ॥
   and Raghu. X 46
   वैमानिका पुण्यकतस्त्यजन्तु मरुतां पथि ।
   पुष्पकालोक संक्षोभं मेघाावरणतत्पराा ॥
6. Ku.II.47 उचचैरुच्चैश्रवास्तेन हयरत्नमहारि च
7. Raghu. X. 47
   मोक्ष्यध्वे स्वर्गबन्दीनाां वैणीबन्धानदूपितान् ।
   शापयन्त्रितपौलस्त्यबलात्कारकचक्रगहै ।

but regular observations by a poet who has observed striking similarity between Tāraka (Ku.II) & Rāvaṇa (Raghu.X).

As a result of terrorism, the prosperity (Context: glittering face & snow) of the public has been reduced to poverty.[1]

Remedies

A. From Public

KD. has injuncted or suggested them poetically the remedies for terrorism which are both from the side of public & the king. it is a co-operative venture which can not be fulfilled unilaterally.

A terrorist tries to exploit the public for his own profit and object including the police officers and commandos and hence tries to break up the defensive machinery with superior weapons, which creates disturbance in peace.[2] Hence from the side of public, the problem must be taken peacefully which may be reduced ot motto "wait and watch: go slow : you shall win."[3] The problem must be thought with cool-mind and not with cries and slogans.[4]

The public particularly the intellectuals (vibudha) shouled approach the king for remedy[5] and should request and inspire the king very mildly to take up forceful & speedy action.[6]

They should approach the king as if they are approaching a father[1] and very modestly and mildly[2] talk in a constructive manner in their own interest. They should think that the king is only meant for the public.[3] They should praise the king for his good activities which are very well understood by the king in the spirit in which they are talking.[4]

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[1] KU. II.19 हिमाक्लिष्टप्रकाशानि ज्योतींपीण मुखानि व्र

[2] KU.II.49-50

[3] Ku. II. 54
संपत्स्यते व कामोऽयं काल कश्चित्प्रतीक्ष्यताम् ।
न त्वस्य सिद्धौ यास्यामि सर्ग व्यापार मात्मना ॥

[4] KU.II.53 गर्जितानन्तरं वृष्टिं सौभाग्येन जिगाय स

[5] Ku. II. 1 तुरासह पुरोधाय धाम स्वायंभुवं ययु

[6] Raghu. X.48
रावणावग्रहक्लान्तमिति वागमतेन स ।
अभिवाप्य मरुत्सस्यं कृष्णमेघस्ति रोदधे ॥

Inspiration particulalrly for a depressed king is necessary from the side of public on one or the other pretext to get their object excuted.[5] Unless the public cooperates, the king shall sit idle (udāsīna) like the Puruṣa of Sāṁkhya system of Indian Philosophy.[6] The two words used i.e. Prakṛti & Puruṣārtha in double entendre may apply to the subject and the accomplishment of their object and which extends to the independence and non concern of the Puruṣa as well.

"Self-protection project" must be accomplished from the side of public including the villagers and hermits without whose help, the king will not be able to solve the problem.[7]

Persons fallen in the hands of the terrorists should not expect a sympathy from them. They should be strong enough[8] and have patience[9] to repudiate all their demands including the sexual pleasure from the side of ladies.

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[1] Ku. II.14

[2] KU. II.4; Raghu X. 48

[3] KU.II.15

[4] KU.II.16 इति तेभ्य स्तुती यथार्था हृदयामा

[5] Śāk. VI.31

[6] Ku. II.13
त्वामामनन्ति प्रकतिं पुरुपार्थप्रवर्तिनीम् ।
तद्दर्शिनमुदासीनं त्वामेव पुरुपं विदु ॥

[7] Śāk. I. p.443. भो भोस्तपस्विन् । संनिहितास्तपो वनसत्वरिक्षायै भवत । प्रत्यासन्न किल मगयाविहारी पार्थिवो दुष्यन्त ।

[8] Raghu. XIII.78 ल्केश्वरप्रणतिभ्गादव्रतं यत्

[9] Raghu. XIII.77
रामेण मैथिलसुतां पशकण्ठ कच्छ्रात् ।
प्रत्युद्गतां धतिमतीं भरतो ववन्दे ॥

From the side of the king

As soon as the king comes to know the problem and hits upon a solution, he should immediately take steps for its remedy.[1] (Context : Indra and invitation to kāma). All these activities must be carried an very patiently to avoid undesirable results. The exact remedy must be taken war-type which should be sudden & forceful against terrorists like that of Garuḍa on his prey.[2]

The king should challenge them and immediately apply his force.[3] It must be executed by the king because he is a forceful person and his hands are stronger then that of public.[4] The top terrorists must be killed on priority basis (context : Tāḍakā) which shall shake the foundation of the terrorism-mongers and their supporters through discouragement.[5]

The only remeady in the opinion of KD. is counter-violence. More power then those of terrorists is the only remedy for protection.[6] The king should not case for the age of young blood which is more experience and which must be taken into utility under the supervision of experienced persons.[7]

The king must make a through search for the appropriate person and appratus to execute the operation

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1. Ku. II. 63 and vik. I. p.34 अपि ज्ञायते कतमेन दिग्विभागेन गत स जाल्म,
2. Raghu. X. 27 किं महोरगविसर्विविक्रमो राजिलेपु गरु प्रवर्तते ।
3. Vik. IV I आः दुरात्मन् रक्ष । तिष्ट तिष्ठ मे प्रियतमादाय गच्छसि
4. Ku. II. 9; Raghu X.44
5. Raghu. XI. 19
बाणभिन्नहृदया निपेतुषी सा स्वकाननभुवं न केवलम् ।
विष्टपत्रयपराजयस्थिरां रावणश्रियमपि व्यकम्पयत् ॥
6. KU. II. 51 तदिच्छामोविभो स्रष्टुं सेनान्यं तस्य शान्तये ।
and KU. II.58, 61
7. Raghu XI.1 तेजसां हि न वय समीक्ष्यते

(Niyoga).[1] He showed himself lead anḍ supervise the operation.[2] The king should himself take the initiative[3] which should be in the form of promises and its execution[4] as well. The division of day and night efforts which are found in jurists like kauṭilya are alluded to in KD. as well.[5] A constant and without rest effort has been injuncted for a king KD. to control the disturbing forces.[6] In the opinion of KD. a terrorist must be killed (vadhya) whether on the ground or in the sky.[7]

Because due to terrorism the public is afraid and bewildered, the king meet the people in open to search the remedy[8] and console them with boosting gestures.[9] If the king is weaker against terrorists, he should take the help of a lawful non-prejudiced neutral king for the force or arbitration.[10]

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1. KU. III.13ff
2. Vik. I. p.341 राजा सूर्योपस्थाननिवत्तं पुरुखसं मामेत्य कथ्यताम्
3. Śāk. I. p.444.
   रामेण मैथिलसुतां दशकण्ठकच्छ्रात्
   प्रत्युद् धताां धतिमतीं भरतो ववन्दे
   Also Ku. II.3 Raghu. XIII.77
4. Raghu. XV.4
   प्रतिशुश्राव काकुत्स्थास्तेभ्यो विघ्नप्रतिक्रियाम् ।
   धर्मसंरक्षणार्थैव प्रवतिर्भुवि शा[गिण ॥
5. KU. II. 8
   स्वकालपरिमाणेन व्यस्तरात्रिदिवस्य ते ।
   यौ तु स्वप्नारबोधौ तौ भूतानां प्रलयोदयौ ॥
6. Śāk. V.4
   भानु सकद् युक्ततर्ग एव रात्रिन्दिवं गन्धवह प्रयति ।
   शेप सदैवाहितभूमिभाार पष्ठांशक्तेरपि धर्म एप ॥
7. Vik. V.6.
8. Ku. II.2 तेपाभाविरभूब्द्दह्मा परिम्लानमुखश्रियाम् ।
9. Śāk. VI. p.537 राजा गतिभेदेन परिक्रामन् सखे । न भतेव्यं न भेतव्यम् ।
10. Raghu. XIII.7
    नृपा इवोपप्लविन परेभ्यो धर्मोत्तरं मध्यममाश्रयन्ते ।
    and Ku.II.2
    सरसां सुप्तपद्नामां प्रातदीधिति मानिव

All these activities must be done by the king in the spirit of sincerity.[1] The public wants the action and first in terms of karma, yajña, phala and svarga which can only be brought to execution by the king.[2]

Following Kauṭilya's Arthaśāstra, KD believes in the punishment according to crime,[3] Following the norm, since this offence is very serious in nature, its punishment should also be very serious.

A terrorist higher in rank must be killed in the order of priority particulary if they belong to guerille warfare and destroy the crucial points and services with prior utility to public[4] (randhraprahārin. Context : Lavaṇāsura)

Forceful commandos should be appointed at short distance check-posts who should immediately nab the terrorists with stronger force as soon as the offence is committed.[5]

For the protection of the villages and places of religion where the terrorists are actively engaged to create disturbances, small officers should be appointed who should have *full delegation of power* to act on the behalf of the higher authority in law (context : the king)[6]

The last deterrent remedy from the side of the king, in the opinion of KD, is to nip the evil in the bud and never let the terrorism-disease aggravate. If a king takes the remedy in time, he can control the situation without any disturbance.[1]

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[1] Ku.II.4 वागीशं वाग्भिरर्थ्याभि प्रणिपत्योपतस्थिरे

[2] KU.II.12 कर्मयज फळं स्वर्गस्तासां त्वं प्रभवो गिराम्

[3] Raghu. I.6 यथा पराधदण्नाम्

[4] Raghu. XV.17
अपशूलं तमासाद्य लवणं लक्ष्मणानुण ।
सरोध संमुखीनो हि जदयो रन्ध्रप्रहारिणाम्·

[5] Vik. I. 5 & p.342
उपस्थितसंपराये महेन्द्रोऽपि मध्यमलोकात् सबहु
मानमाानाय्य तमेव विबुधनिजयााय से नामुखे नियुक्ते

[6] Śāk. I. p.439 य पौरवेण राज्ञा चर्माधिकारे नियुक्त सोऽहमविध्नक्रियतोपलम्भाय
पुण्याश्रमदर्शनप्रस्गेन धर्मारण्यमिदमायात ॥

His message may be summed up in his own words "Make up for the control in time." (*Yathakālaprabodhinām*)

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[1] Raghu. I.6 यथाकाल प्रबोधिनाम्

Chapter VIII

Employer & Employer

Unlike the concept of Dharmaśāstra & Kauṭilya's Arthaśastra Kālidāsa has nor given in clear definition and scope of labour not to space of its law. But a few concept may be reconstructed & a concept be famed on in basis of the words, he has used in scattered references.

The labout in its widest sense may give the meaning a person who works for author for the consideration of southering : cash kind or any other consideration. It may *be skilled* or *non-skilled* (as per classification of *Indian jurists*) e.g. Nārada "A veda student, or appritice, a hired secrant and fourthly : an official, these must be resorded as labour i.e. work for solely.[1]

Bhartar[2]

Another classification is based on the pour or *impure* works (op.cit. p.469)[3]

Still a more percise classificaiton of workers in Bṛhaspati:[4] is accordingly to their particular caste and occupation; and fourthful according as they serve for science, human knolwedge (or skill) lave or gain.[5]

Applying the above basis of classificaiton or KD., a clear-cut category is not mentioned by KD. is any of his works. it mayb e classified as follows :-

1. Higher rank fo the servants viz. minister and Purohita etc. who may nor be called 'labout' in their pure

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[1] नारदीयमनुस्मति Vol. 1. *Reprints* Delhi, 1988 p.282 V.3 स्मतिसन्दर्भ
शिश्यान्तेवासिभतांश्चतुर्थस्त्वधिकर्मकत् ।
एते कर्मकरा ग्रोक्ता दासास्तु गहजादय ॥

[2] Sternbach, L. JSAIL. Vol.I. p.469

[3] ibid. p.469

[4] ibid. p.465, Bṛhaspati: XV.4

[5] ibid. p.470

sense since the Maula type of ministers[1] Saciva[2] Mauti[3] Mantri-Vṛddha (the ministers having the rank of presults because of their faithfulness from the times of the ppersults).[4] or vṛddha amātyā[5] or amātyavarga[6]

Served with the king and their services were, if nor desired by the regent, were conteminent with the previous king or the accepted. Voluntacily retirement[7] (Details Harṣacarita V) Where a number of became ascetics an committee suicide. Details are discussed by V.S. Agrawal and B.S. Upadhyaya.[8]

There is no reference ot the wage or contracts of services or their termination because this designation was given to them after strict trials of faithfulness[9] and they became a poet and parcel fo the personal & royal life of the king to the extent of the education of the Children Kādambarī) and their co-operation to the regent after the death of the king which is called by Kālidāsa Vṛddhāmātya or matrivṛddha.[10]

Notwithstanding the fact that they speed in proppecity of the king, perhaps they were alloted large estates so no question of wages arises and the second category is that of *Purodhās Senāpati* who were the religio-minister & commandes respectively were also inseparable part of the

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1. Raghuvaṁśa, XII.12; XIX.57
2. ibid. I.34.
3. ibid. VIII.17
4. ibid. XIII.66.
5. ibid. XIII.66.
6. ibid. XVIII.36 and Māl. V.
7. Details केचितात्मानं भगुपु Bāṇas Harṣacasta V Ucchvāsa and the comments of V.S. Agarwal, pp.107-116 Horṣacaste : Eka Sāṁskṇtika Adhyayana-Patna, 1964.
8. upadhyaya, Bhagvat Sharma : India is Kālidāsa.
9. *Details* :- Kauṭilya's Astraśātra.
10. *Details* :- Baṇa's Kādambarī in the description and Education ofCandrāpāḍa.

kingship the respect of Purodhas who just like the teacher and he had every right to own, dispose off, gift or exercise any legal right over the property. Similar case is that of Sanāpati who enjoyed all the prinleges and enjoyment of the prospecity of the king. infact king ministers, purodas and Senāpati belong to the '*Employer' caterory viz - viz* employee category, if we can categorize like that.

The next category is cantapala (Māl & Śāk.). Kañjcukī, Nāgarika (Śāk), Rāṣṭriya (Śāk.) Dhamadhyakṣa (Śāk.), duta (Mālanika Rajyādhikāri (Śāk.) Vatālika (Śāk. etc.) and other adhikārapuruṣa (Raghu V. 63).[1]

The lowest category is that of cāraṇa (Raghu IV. 6 etc; VI.8); Bandī (Śāk); pravaktā (Māl); patrakāra, lakhaka, Daivacintaka, Śāsamahārin (Raghu. III. 68); pratyevekraka (Śāk); Koṣa (semirakṣaka) Raghu. V.29; Avoradha-saṁrakṣaka (Raghu. VII.19); Guptacaca (Raghu XVIII.48) and cholidteer I, 54,64.

Kañcukī was an employee with full family responsibility of the king and his employment was from youngster age to oldage *with any retirement.*[2] No reference to the wages is available Nāgarika, Rāṣṭriya & Dharmādhyakṣa and dūta are military, cum police posts. Although KD. has not referred to their wages put the "huge expenditure of treasvry" and rules of wages and litigation over "non-payment of wages" in kauṭilyaś Arthaśāstra & Dharmasāśtra speaks of their wages : non peobably in cash. Śāsanaharin & Sārathi also appear to be military posts whereas pravaktā, paktakāra and lakhaka are classical rementative posts. Koṣcasaṁrakṣaka has serious liability including perhaps the liability of putting the treasury

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1. Details :- upadhyaya, Bhagvat Sharan; op.cit.
2. Vikramavaśiya II. A. p.371 (Ed. in Dwivedi, Revaprasad : Kālidasa-granthā vol. Varanasi, 1976).

   सर्व कल्पे वयसि यतते लब्धुमरथान्.कुटुम्बी
   पश्चात् पुत्रैरपहृतभर कल्पते विश्रमय ।
   अस्माकं तु प्रतिदिनामियं साधयन्ती प्रतिष्ठां
   सेवाकारा परिणति रहो स्त्रीप कष्टोऽधिकर ॥

underground[1] (Harṣacasta V) when the need may be and negligence in his case may attract severe penalty (including deportation inprisonment and death).[2]

The servants like Cāraaṇa and Bandi are the purchased servants" (Casually spoken of by KD. in Kumāra sambhava[3] which once upon a time frame full-fledge 'slave-institution in Kauṭilaya[4] III 13 - Rules regarding sloves & labourness)

The Concept on the basis of the words in KD. may be framed as follows:-

Employees exercising the terrotiral jurisdiction of superintents (int eh Arthaśāstra of Kauṭilya) KD. has spoken them as adhikarapuruṣa.[5]

Raghu V. 63 (in one of my earlier hape on "jurisdiction" Ihave interpteted "adhikāra" as exercising the juridiction or over an enterted function or territory. It is a legal term and the employee was legally represible for the work (e.g. *dharmādhikāra*[6] and *adhikārapuruṣa, prakṛtipuruṣa*[7] The *non-ececution* of the function entrusted to them *attracted severe penalty* (in the Meghadūta of *banishment for one year*.[8]

2. Followers :- A number of servants like anucore,

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[1] Bāṇa's Harṣacita (Ed. Pathak Jagnnatha Varanasi, 1958) भीनेग्विव निगूकोशेपु कुशेशयेपु छत्रभ्मा and the comments of Agrawada, V.S. (op.cit.) thereon.

[2] Śapa in Meghadūta I.1. स्वाधिकारात्प्रमत ।शापेनास्तगमितम [illegible] मा वर्ष [illegible] गण भर्तु may be interpreted in this sense.

[3] Kumārasambhava. IV.86
अद्यप्रभत्यवताि तवास्मि दास
क्रीतस्तपोभरितिं वाादिनि चन्द्रमौलौ ।

[4] Arthaśāstra III.13

[5] Raghuvaṁśa, V.63. तस्याधिकर पुरुषै प्रणतै प्रति [illegible]

[6] Abhijñānaśākutalam. ED. in Kālidāsa granthavalī *op.cit.* p.439 Act IA. धर्माधिकरे नियुक्त

[7] Meghaduta I.6. जानामि त्वां प्रकतिपुरुषं कामरू पं [illegible] घोन

[8] *Supra* Note No.19 (?) For details in kauṭilya *See infra*.

Cārin, pārśvānucare exhibits the personal servant of the king which are just like P.A. or body-guard of the king constituting them a semi-military force trained in all respects.[1] A legal interpretation to these words may be given: The persons who had to obey the will or ruler or policy of their masrter - in which, there is no possibility of break or negligence in which - shall attract a penalty like banishment.[2] In quthor passage in Abhijñā VI. if the orders of the king are not obeyed by its employees who are dependents, it may attract severe punishment.[3]

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[1] i. Anucara : Meghadūta I.3.
अनुचर राजरजस्य
ii. Āśreyin : Abhijñānaśākmtalam. VI. A. p.517.
न किल श्रुतं युवाभ्यां यद् वासन्निकैस्तरुभिरा
देवस्य शासनं प्रमाणीकतं तदाश्रमिभि ।
The servant followed the orders of the king as an authority.
iii. Āśrita :- Kumārasambhava III.1.
प्रयोदजनां पेक्षितयाा प्रभूणां प्रायश्चलं गौरवामश्रितेपु
iv. upajīvin : Raghuvaṁśa. I.16
v. Kiṅkirāḥ :- Kumārasambhava BI.62.
विनियोगप्रसादा हि किंकिरा प्रभाविष्णुपु
The servants lived on in pleasure of their master in consdieration of execution of their duties.
vi. Cārimaṇḍala:- Raghuvaṁśa IV.4.
vii. Pārśvānucara : Raghuvaṁśa II.9. They lived near the king and spoke salutory words
आलोकशब्दं वयसां विरावै
viii. Niyojya & Āśvoca for servant & master Abhijñānaśākutalam VII. 4. p.443.
सिद्धयन्ति कर्मसु महत्स्वपि यन्नियोज्य
संभावनगुणमवेहि तमीश्वराणम् ।.
ix. Niyoktṛ :- Servant is under the control fo others i.e. employee (Paravān) where he has to protect his assignemnt at the risk of his own life. Raghuvaṁsa II. 56.
भवानपीदं परवानवैति महान हि यत्नस्तव देवदारो ।
स्थातुं नियोक्तुर्नहि शक्यमग्रे विनाश्य रक्ष्य स्वयमक्षतेन ॥

[2]

[3] *See* Note 27 (ii).

The obeying of the orders the employees was strictly followed and further their orders were also strictly imposed on the public in the kumārasambhava the order of Nandi.[1]

3. **Depludents** :- The words for the employee are the words for dependents. The dependents has to obey the orders of their employees or masters.[2] The king had a *double attitude* for his dependent viz both the attractive and fierceful[3]

भीमतान्चैक्नपगुणै स बभूवोयजीविनाम्
अधष्यश्चाभिजन्मयश्च यादोश्लैखिवार्णव ॥

The employees had to consider it a pleasure or grace of the master to accomplish his order.[4]

4. **Employed** :- The words like Īśvara and Niyoja definitely exhibit the *employer & employee* relationship with true range.[5] Similarly the words like Niyoktr and Paravān indicate to their employer & the dependence employee which has a true legal meaning in the context.[6]

Legal responsibility of the employee

The employee was absolutely responsible for the work entrusted to him and unless he breathed his last, he could not see the entrusted object unperformed before his eyes.

Contexts Raghu. II. 56 (Q. above).

Since you are a dependent a servant of another man (paravāṅ), you have on effort to protect the tree devadāru

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[1] Kumācasambhava III.42.
तच्छासनात् काननमेव सर्वं
चित्रार्पितारम्भ इवावतस्थे ॥

[2] See Note 27 (iii)

[3] Raghuvaṁśa I.16.
भीमकान्तैर्नपगुणौ स बभूवोपजीविनाम् ।
अधष्यश्चाभिगम्यश्च यादोरत्नैरिवार्णव ॥

[4] *See* Note No. 27(v)

[5] *See* Note No. 27(viii)

[6] *See* Note No. 27(ix)

(here the object entrusted for security). If you are unhurt and the object to he protected is destroyed, you cannot face you employer.

Here the work, unlike labour is the semi-military work of protection of a tree against hostitle animals. It is the legal & ethical duty of a works to perform it. neglence in the work shall attrack two type of pludly i.e. *the compensation of the loss* incorrect to the master and ii. the *penalty*, To quote kautilya[1] "Any person who is found to have neglected his share of work by stealth shall be shown mercy (abhayam) for the first time, and give a *proportional quality of work* a new with promise of proportional share of earning as well. In case of negligence for a second time or of going elsewhere he shall be thrown out (of the company) prevasane cf. if he is quality of glaring offence (mahāparādha), he shall be treated as the Candemed[2] On the reliance of *Bṛhaspati.*[3] Sternbach opines when a servant did not perform his work after having received his wages, though able to do the work, he shaould be *compelled by the king*

(a) to restore the wages

(b) to pay a fin (to the king)

(c) to pay twice the amount of his wages to his master.

The above reliance exhibits Kālidāsa had besides mord legal responsibility of the employee in mind when he speaks of the fear escaping unhurt from the object entrusted.

Aṅkāgatasattravṛtti :- The work vṛtti in this context provides tow clues about the labourer.

1. **his wages:-** Vṛtti or vetance. In the jungle a person whowas entensted with a particular assignment was given the wages *in cash* got the full output of the territory for when he was custodian like the system of the feduls.

Here the cow come in the protective jurisdiction of the lion who was entrusted with in job of protection of the jungle. the cow legally became a poetof his wages and he could use her in any manner, he likes.

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[1] Kauṭilya's Arthaśāstra III. XIV Tr. Shamoshastry, p.213.

[2] ibid. T.M. Comm. He shall be murdered in secret - f.n.

[3] Bṛhaspati XVI.5. Q. Sternbach, L. JSAIL. p.486.

i. **His food:-** The labourers working in jungle are provided the food of in place of their work. According to Kautilya.[1]

Provisions shall be supplied to watchmen, gardens, falls and cows, slaves and laboures, in proportion to the amount of work done by them.

In other words, the labourers etc. are provide the indigrious products of the local area to eat i.e. the corn, the fruit etc. (in this context - the meat of the cow for the lion who came to her jurisdiction).

Another penalty for negligence of the duty on the fact of the worker is panishemnt of the worker from territory for a particular period. This penalty is not mentioned in Dharmaśāstra law but might have been prevelant in *defecto* force law over the workers particularly when there were no trade union to resist it.

Other types of services :- i. *Paryāyasevā* or relay (service) is a type of service where a person is followed by another person perhaps a tpe of relay-service round the clock. it does not indicate to the timingo of service or the direction fixed for a particular service. perhaps an employee was a servant for twenty-four hours. but the paryāyasarā.[2]

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1. Arthaśāstra II.24 - Shamashastrya, op.cit., p.133. (The Superintendnet of Agriculture).
2. Kumārasambhava II.36
   पर्यायसेवामुत्सज्य पुष्पसंभारतत्परा ।
   उदयानपालसामान्यमतवस्तमुपासते ॥
   cf. Amarakośa Q. by M.R. Kala
   आनुपूर्वी स्त्रियां ववन् परिपाटी अनुक्रम
   Śivapurāṇa is quoted in this context.
   तवस्ते स्वकालं च विद्याग्यामुरभीरत ।
   युगपच्च तदुद्यानं फलदुष्पैरु पासते ।
   Also cf. Mallinātha
   पर्यायसेवा क्रमसेवाम

Indicates that for the service neded both day and night, shifts were made and it is called the paryāyasavā.

ii. Krītaḥ dāsaḥ (A slove) :- Before Kālidāsa Kauṭilya - Or has already exhibited a slave institutioń as a separate institution whichdifferentiates it from the general servant for when the separate rule of wages and duty are laid down.[1]

Kālidāsa has referred to the slaves perchased in consideration of something.[2]

Here KD. exhibites the reminiscence of the slave institution who were full time workless but where not paid the wages. The time of the purchasing (here) and to purchase it for source consideration (may be cash or kind - as for its relieving in Romen slavery System - hence *purchased by the penances*) are the considerations of the slavery exhibited by Kālidāsa.

iii. Prostituion:- Thelegality of the institution of prostition appears int eh Megha. Pūrva.25, which is mentioned by Paṇyastrī. This contractual institution existed in the Arthaśāstra where detail rules both on the past of the prostitute and her client are found. Kālidāsa might have omitted this obsolve institution (may be due to the influence of Dharmaśāstric tradition) but its reflections are found in him. But institution is depicted are an independent institution and not a 'worker' institution like Kauṭilya who recores full procedure & income accounts.

iv. Pluckers fo the flowers (PUṣpalāvī) and the foemers belong to true labour class wo had full contracted services as the tradition of grammar exhibits ( ) Kālidāsa has not referred to their contractual services. They might have their . small forms or might be working as a labour-class.

Conclusion:- Kālidāsa has not explicity mentioned to the classes of employees, their wages details although there

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1. Arthaśāstra: *op.cit.* III.13.
2. *See* Note. No.20.

are reference of wags in the cases of teachers of fine-arts.[1] He has referred to some obsolute institution of employees like Kauṭilya rules regarding the contracts, penetis etc. are not gound in Kālidāsa although some words of that purpose are available.

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[1] Mālinkāgnimike. I. 17
यस्मागम केवलजीविकाय तं ज्ञानपायं वणिजं वदन्ति or
किं मुधो वेतनदानेनैतेपाम् or
पुरोहित दक्षिणां मासिकीं पुरोहितस्य or
Raghuvaṁśa XVII.66.
दिदेश वेतनं तस्मै रक्षसदशमेव भू

Chapter IX

Deposit (Nyāsa) in Kālidāsa

The present paper is an attempt to explore the position of 'deposit' (Nyāsa) and other words in Kālidāsa to investigate the concept of deposit in the poet and as also to study its legal aspect. Moreover, it is an attempt to study whether the poet follows the traditional law or deviates from its concept.

Words for deposit

1. Nyāsa - Kālidāsa has used this word in the Kumārasambhava,[1] Raghuvaṁśa,[2] Vikramorvaśīya[3] Dwivedi Varanasi, 1976) and Śākuntala.[4]

2. Nikṣepa - The word occurs in Śākuntala[5] Dwivedi's edn.). Vikramorvaśīya[6] and Kumārasambhava.[7]

3. Samarpita - It occurs in the sense of deposit only in the Śākuntala.[8]

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[1] Ku. III.55. न्यासीकतां स्थानविदाा स्मरेण

[2] Raghu. XIII.18. नन्दिग्रामगतस्तस्य राज्यं न्यासमिवाभुनक् ।

[3] Vik. V. p.415 (Kālidāsa-granthāvalī, Ed. R.P
तापसी तत उपलव्धवत्तान्तेन भगवताा च्यवनेनाहं समादिष्टाा निर्याातय एनमुर्वशीं [illegible]
न्याासमिति । तदिच्छाामि दैवीमुर्वशीं प्रेक्षितुम् ।
ताापसी एप दीर्घाय आयु जतमाात्र एव उरवश्याा किमपि निमित्तमवेक्ष्य [illegible]
न्यासीकत

[4] Śāk. V.22.
जाातो ममायं विशत प्रकमं
प्रत्यर्पितन्यास इवान्तरात्माा

[5] Śāk. IV. p.488 (Kalidasa-granthavali, R.P शकुन्तलाा हला एपाा द्वयोर्युक्त्यौर्ननु हस्ते निक्षेप ।

[6] Vik. V. p.416. तत् एतस् ते भर्तु समक्षं निर्याातितौ [illegible]

[7] KU. V.13. पुनर्गहीतुं नियमस्थयाा तथा द्वयेऽपि नि[illegible]यम्

[8] Śāk. IV. p.488. सख्याां अयं जन कस्य हस्ते समर्पित ।

In legal literature

The word Nyāsa occurs in the Rāmāyaṇa, the Mahābhārata and the Bhāgavata Purāṇa in the sense of deposit.[1] But in Kauṭilya's Arthaśāstra,[2] the word for deposit was *upanidhi* which is missing in Kālidāsa. The rules of upanidhi were applied to Nikṣepa also. Bṛhaspati also speaks of 'aupanidhika' but it is a secondary work whereas primary word is nikṣepa. The upanidhi isused by Nārada,[3] Yājñavalkya[4] and Kātyāyana[5] but the word Nikṣepa is used by almost al the jurists. So it appears that upanidhi was an older word for Nikṣepa which lost sight of at a later stage and for the later jurists it became an obsolete word for deposit. The word Nikṣepa became very popular.

The word 'Nyāsa' was used by ancient playwrights e.g. śūdraka and Bhāsa for the deposits. It is also used by Kālidāsa and later poems e.g. Rājataraṅgiṇī. From Amarasiṁha onwards, lexicographers mention the word in their dictionaries and perhaps following the tradition of the poets and lecisographers, poets might have frequently adopted it. Kālidāsa mentions Bhāsa in his works who exclusively use the word 'Nyāsa' for deposit and not Upanidhi or Nikṣepa. Similarly Rāmāyaṇa, the source-bok of the Raghuvaṁśa uses the word 'Nyāsa' and not Upanidhi.

It is probable that Kālidāsa might have borrowed the word either fromthe Rāmāyaṇa or from the writings of Bhāsa and not from the legal literature because neither he uses the word strictly in its legal sense nor uses the vocabulary adopted by jurists. This opinion can be supported by the fact that in the Śāk. (op.cit.) he has mentioned the non-word along with the legal word 'Nikṣepa'.

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[1] Sternback, Ludwig : Juridical Studies in Ancient Indian Law, Vol. I, p.41.

[2] For difference between Upanidhi and Nikṣepa, Arthaśāstra : III.12.

[3] Nārada. V. 1 & 5.

[4] Yājñavalkyasmṛti II.65.

[5] Q. by स्मतिचन्द्रिका, II p.3.

Moreover, Kālidāsa has not differentiated the words 'nyāsa' and 'nikṣepa' in its legal technical sense which is given by later jurists. According to a 'nyāsa' is a deposit which is handed over to some other member of the family in his absence without showing in to the master of the house. But when it is entrusted in the presence of the master of the house, it is called 'Nikṣepa'.[1]

But in the Raghuvaṁśa, transference of the administration to Bharata was directly done by Rāma but Kalidasa uses the word 'nyāsa'.[2] In Vikramorvaśīya, the child was entrusted to Tāpasī without the permission of the Head of Āśrama.[3] In Śākuntala, Śukuntalā entrusts the young one of the deer in the hands of Priyaṁvadā and

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[1] Yājñavalkya Smṛti. II.67.
भिताक्षरा reads
न्यासो नाम गहस्त्वमिने दर्शयित्वा तत्परोक्षमेव गह जनहस्ते
प्रक्षेप्ते गह स्वामिने समर्पणीयमिति । समक्षं तु समर्पणं निक्षेप ।
Similar view is found in Vyavahāraprakāśa :A deposit with a seal (samudra), in the opinion of Nārada, is upanidhi but when it is counted, it is called Nikṣepa.
Mitākṣarā on Yājñvalkya, II.65.
यथाह नारद
असंग्यतमविज्ञातं समुद्रं यन्निधीयते ।
तज्जनीयादुपनिधिं निक्षेपं गणितं विदु ॥
Kṣirasvāmin on Amarakośa has also made this distinction:
वसनस्थं नयस्य यदर्पितम् ।
द्रव्यमुपनिधिर्न्यस प्रकाश्य स्थापितं तु यत् ॥
The difference between Nārada and Kṣīrasvāmin is that Nārada says it is निक्षेप whereas Kṣīrasvāmin says it as न्यस. Also cf. Medhātithi on Yājñavalkya II.25 on Upanidhi :
यत् प्रदर्शितरूपं सचिह्नवस्त्रादिन पिहितं निक्षिप्यते ।

[2] Raghu. XII.18 (op.cit.)

[3] Vik. V. p.415 (op.cit).

Anasūya without he permission of 'Kaṇva' and here Kālidāsa, uses the word 'Nikṣepa'. In the KUmārasambhava, the word is used in connection with deposit to the person directly concerned with the deposit.[1]

So the analysis exhibits that Kālidāsa intermixes the two words Nyāsa and NIkṣepa in the sense in which the later jurists use it. Moreover Kālidāsa uses the word ni + as in the sense of transference of power without any reference to its legal sense[2] and also ni + kṣip in the sense of 'delegation of power to take it back' which is not used in its political context in the legal literature.[3]

Where to put a deposit ?

Kālidāsa has referred to the entrusting of a deposit at a proper place (Sthāna).[4]

Manu[5] and Nārada[6] have already expressed the opinion that it should be placed at a proper place viz. the deposite should belong to a good-family; is well-conducted; knows Dharma; speaks truth; has a large family; is wealthy and is straight-forward.

In the KUmārsambhava, the depositee is Pārvatī who possesses of all these qualities of deposite prescribed by the jurists. So Kālidāsa follows the concepts of jurists. The depositor should be very careful in the transaction. Here Kālidāsa has used the word (Sthānavidā) for cupid who knows the proper place. Moreover, it is prescribed by Bṛhaspati that if a bailor knowing the proposed bailee to

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1. KU. V.13 (op.cit.). पुनर्ग्रहीतुम्
2. Raghu. XII.2. तं कर्णमूलभगत्य रामे श्रीर्न्यस्यतमिति.
3. Raghu. I.34. ते नमृर्जगत गुर्वी सचिवेपु निचिक्षिपे
4. KU. III.55.
   स्रस्तां नितम्बदवलम्बमनाा पुन पुन केसरदमकाञ्चीम् ।
   न्यासीकृतां स्थनविदा स्मरेण द्वितीयमौर्वीमिव काार्मुकस्य ॥
5. Manu. VIII.179.
6. Nārada. V.2.

be careless man deposits his goods with him, the bailee is not liable even if the goods are lost any cause whatsoever.[1]

Could the deposit be enjoyed ?

In the Raghuvaṁśa, there is a reference that Bharata enjoyed the kinship in the village Nandi village as a deposit can be enjoyer. Evidently it is a suggestion that a deposit cannot be enjoyed.

The preservation of a deposit, in the opinion of the Smṛtis, led to divine merit (Puya) which is equal to that of the gift of gold or other merit.[2] The misappropriation of a deposit was thought to be sinul. hence it depended only on the trust of the other party and not for some beneficial consideration.[3] Kane rightly remarks that the idea is that no one is bound to accept the deposit but when a person accepts it, his primary duty is to preserve it with care and the next duty is to return it atthe time agreed or on demand.[4]

Return of deposit

For the retun of trust, Kālidāsa has used the words Pratyarp,[5] Niryāta[6] Dwivedi's Kālidāsa - granthāvalī) and Visarj.[7] The return of the deposit could be made voluntarily

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1. कात्यायन quoted by स्मृतिचन्द्रिक II. p.179. (Kāt. 599), HDS. III. p.457.
   ज्ञात्वा द्रव्यवियोजं तु दत्ता यत्र विनिक्षिपेत् ।
   सर्वोपायविनाशेऽपि ग्रहीता नैव दाप्यते ॥
2. Bṛhaspati. SBE. 33, p.333, verse 6-8.
3. ibid.
4. Kane, P.V. HDS. III. p.456.
5. Śāk. V.22. प्रत्यर्पितन्यास इवान्तरात्मा, Raghu. XIII.65.
6. Vik. V. p.415 (R.P
   तातस्य तत उपलब्धनन्दनेन भगवता च्यवनेनाहं समादिष्टा निर्यातय एनमुर्वशीहस्ते न्यासभूतमिति ।
7. ibid. V. p.416.
   तत एतस्य ते भर्तु समक्षं निर्यातितो न्यासनिक्षेप । तद विसर्जयितुमिच्छामि ।

or on the advice of a third party.[1] In the Vikramorvaśīya, Cyavana advised Tāpasī to return the deposit. A happiness and relief in the consciousness is being felt after the retun of the deposit.[2]

The analysis from the Kālidāsa exhibits that the anxiety to return the deposit aross out of a liability which the depositee owed to depositor.

Kātyāyana injuncts a serious care for the preservation of the deposit.[3] According to Yājñavalkya[4] and Nārada,[5] if immediately on demand by the depositor or the bailee does not return the thing deposited or it is lost after demand from any cause whatever (including act of God or king), the bailee has to return the thing or the piece of the thing (when last) and also is liable to be fined by the king in the same amount. But in the opinion of Bṛhaspati : If it lost due to the agreession of the king, there is no fault and liability on the part of the depositee.[6]

In the Mṛcchakatika, Cārudatta accepts liability for the loss of ornaments deposited with him by Vasantasenā. Although they were stolen, because of his noble character and his idea that the proper care was not taken by him or his friend, he decided to return the compensatory ornament.

It shoudl that Kālidāsa is fully conversant with the legal and social consequences of the loss of deposit andhence is repeatedly anxious to return the deposit. A similar idea is found in Bhāsa's Svapnavāsavadattam viz. it is difficult to preserve a deposit.[1]

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[1] Supra, note, 28.

[2] Śak. V.22.
ममायं विशद प्रकामं
प्रत्यर्पितन्यास इवान्तरात्मा ॥

[3] Katyayana quoted by Smṛticandrikā, II, p.179.
निक्षिप्तं यस्य यत्किञ्चित् तत्प्रयत्नेन पालेयेत ।

[4] Yajñavalkya, II.66.

[5] Narada, V.7.

[6] Bṛhaspati. quoted by Smṛticandrikā, II. p.179.
दैवराजोपघातेन यदि नाशमवाप्नुयात् ।
प्रतीतद्रव्यसहित तत्र दोषो न विद्यते ॥

To whom should the deposit be returned ?

There are two references of the topic that is to whom the deposit should be returned. Urvaśī handed over the child in the hands of Tāpasī,[2] Tāpasī knowing that it was a common property of Urvaśī and Purūravas, preserved it with herself and did not try to return it to Purūravas although in Indian society a son was thought to be an exclusive property of the father.

Another reference of giving back the kinship as a deposit to Bharata is found in the Raghuvaṁśa (XIII.65 Pratyapayiṣyati). Kingship was a deposit from Rāma and Bharata enjoyed it as a deposit. Bharata handed it back to Rāma.

The two references show that the deposit is to be returned to the person who placed the deposit to the depositee and not to any other person.

Manu[3] and Bṛhaspati[4] prescribe that the deposit must be returend to the man himself who made the deposit and not to his co-owner (Pratyanantara). The word Pratyanantara is explained as a person who has an interest in the deposit but who is other than the depositor.[5]

Return of deposit and witness

In the context of deposit, Kālidāsa has referred tothe

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1. Svapnavasvadattam. I. दुखं न्यासस्य रक्षणम् ।
2. Vik. V. p.415 (op.cit).
3. Manu. VIII.185.
4. Bṛhaspati : quoted by स्मतिचन्द्रिका, II. p.181, SBE 33, p.333, verse 9.
   स्थापितं येन विधिना येन यच्च यथाविधि ।
   तथैव तस्य तद्देयं न देयं प्रत्यनन्तरं ॥
5. ibid. p.181. स्थापकतस् यस्य स्थापितद्रव्ये साम्यमस्ति स इह प्रत्यनन्तरं इतगुच्यते ।

witness while returning it.[1] But it is not compulsory to return the deposit in the presence of a witness.

Bhāsa has also referred to the witnesses while returning the deposit.[2]

Nārada[3] and Bṛhaspati[4] have differentiated between deposits given before witnesses ( ) or verbally and in private ( ). The deposit was given verbally when the depositor had the highest confidence in depository. The contract of deposit before witnesses or the writing should be concluded in order to avoid any misunderstanding. According to Sternback,[5] in distinction was not important from the point of view of law but civil procedure.

From Kāliḍāsa, it is clear that both the systems viz. return of deposit with witness or without witness were prevalent.

What can be deposited

Unlike legal literature, Kālidāsa has referred to deposites of a bow,[6] kingship,[7] children,[8] animals[9] and women[10] (for their protection).

Girls are also thought to be a deposit with the fathers who are to be returned at an appropriate time to their husbands.

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1. Vik. V. p.416. तत् एतस्य ते मर्तु समक्षं निर्यातितो हस्तनिक्षेप । तद् विसर्जयितुमिच्छमि ।
2. स्वप्नवाासवदत्तम् अथवाा साक्षिमत्रयासौ निर्यातयितव्य । इहात्रभवान् भ्य अत्रभवती चाधिकरणं भविष्यत ।
3. Nārada, II.6.
4. Bṛhaspati. XI.6.
5. Sternback, Ludwig, JSAIL, I.49.
6. KU. III.55.
7. Raghu, XII.18; XIII.65.
8. Vik. V.
9. Śāk. V. (op. cit).
10. Raghu. XIII.65.

These objects of deposits are mainly influenced by poetic traditions. A lady as deposit is known from Bhāsa in his Svapnav asavadattam where Vāsavadatta was put as deposit with Padmāvatī. Yet the allusions given by the poet are important. For the concept of law of deposit although it did not follow a particular Smṛti in vocabulary, law and procedure.

Chapter X

Legal Position of Girls in Kālidāsa

General condition of daughter as gleaned from the works of Kālidāsa (KD.) is not bad as it became in medieval ages. Althogh her position nor so good as that of a son but some auspicous concepts are attached to her also in the background of Kālidāsa's society.[1] The discrimination between status of a son and a daughter that at the of decoration of in bride the ladies whose living and who had sons (and not the or children in genered) were present.[2]

Son daughter ; For the preference son to daughter & number of seasons are attached Indian society poeticularly paticiacular and KD. has enumlects them in scattered form :

i. **Preserver of dynasty** : A son in a patrance society is thougth to be the preserver of society (vaṁśa)[3]

ii. **Relief in oldage** : The head of the family (Kutumbi) was relieved of his burden in the oldage by the sons.[4]

iii. **Brick to heroes for war** : Particularly in royal families (kṣatriyas), women wish to give birth to hoces for the presenvation of kingship, which is not perhaps possible in ladies with weak physique.[5]

iv. **Discharge of ancestral debt** : It may said to be the main season for the Indian jurists because they associated it with the Pitṛṛṇa which, if not discharged, would attract sin.[1]

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[1] Mahābhārata, 13.11.14
नित्यं निवसते लक्ष्मी कन्यकासु प्रतिष्ठिता
O. Altekar, (Position) of womenin Hindu a nitz p.9. who quotes viṣṇnusmrti also

[2] कु० ७.६ तस्या शरीरे प्रतिकर्म चक्रुर्बन्धुस्त्रियो या पति

[3] रघु [illegible] वंशस्थितिं वंशकरेण तेन

[4] विक्रमो. द्वि. प. ३
सर्व कल्पे वयसि यतते लब्धुमर्थान् कुटुम्बी ।
पश्चात पुत्रग्पहृत भर कल्पते विश्रमाय ॥

[5] रघु [illegible] अपीप्सितं क्षत्र कुलाङ्गनानां न वीरसूशब्द मकामये

v. **Transference of social responsibility** : After the death of the father all the social and legal responsibilities would transfer on the son.[2]

vi. **Uplift of the world** : Another reason which is not directly related ot law but to social tradition is that in the opinion of KD. a son is more capable of making in uplift of society than a daughter may also be added for his preference to her.[3]

These are the scattered seasons in the writings of KD. which prefer son to daughter.

KD. has depicted in girls dependent of father where she cannot exercise her will irrespetvie of its made. KD has depicted her just like a *bhikṣā* figuratively which in given to the suppliants (*arthin*). The word bhikṣā itself speaks her weaker plight. It appears that the full pesindity of a girl is for the propatation and preservation of society which is clearly refeued to by KD. as *gṛhamedhiphalam*.[4] From in writing of KD. it sppears as if the whole of female society is moving on the domestic nucleus. She may be in intense lave but she is not capable of its satisfaction without the premission of the elders[5] althogh KD. has recognise Gandharva vivāha as an established institution (*infra*:

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[1] रघु. १०.२ न चोपलेभे पूर्वेपामण निरमोर्क्षसाधनम्
तु. मनु. ९.१०६
ज्येष्ठेन जातमात्रेण पुत्रो भवति मानव
पितणामनणश्चैव स तस्मात् सर्वमर्हति

[2] रघु. १३.४६ तस्याातिथीनामधुन्त सपर्याा स्थिताा सुपुत्रेप्वि पादये

[3] रघु. ३.१४
बभूव सरवं शुभशंसि तत्क्षणं
भवो हि लोकाभ्युदयाय तादशाम् ॥

[4] कु० ६८८
एहि विश्वात्मने वत्से भिक्षासि परिकल्पिता ।
अर्थिनो मुनय प्राप्तं गहमेधिफलं मथा ॥

[5] शाकु० ततीय प. ४ पौरव । रक्ष विनयम् । मदनसन्तप्तापि न खल्परात्मन. प्रभवामि ।

Gāndharva vivāha). Her marriage and non-marriage depends upon the will and intention of her father to the extent that if she wants to remain unmarried, she cannot exercise her will.[1]

Not in view of the law or custom prevelance in society KD. thinks that besides the birth of the sons, it is daughter also which gives a sense of satisfaction in parents.[2] It indicates KD. as an individual does nto crave exclusively a son but a progeny although in Śākuntala & Raghuvaṁśa I, he has expressed an intense desire for a son as well. In a stanza, girls are spoken simultaneously the life of the family (*kulajīvitam*) and an extend object where attachment should not be done.[3] Due to her tendeness and atiquette in society, she was attributed the delicate job of throming the flowers on the king which indicates her auspiciousness which the society regards for her.[4] But the general attitude for her in that she is a wealth of another[5]; an extend object and hence more attachment should not be done for her.[6] The tender falings towards a girl are expressed when the parents and other members are unhappy over the separation of their daughter particularly when she is transplanted in another unknown family.[7]

Legal positoin in Co-parcenary

Undoubtedly in the particular society, the legal position particularly petaining to property was that she was excluded from the copaccenacy and was thought to be *an*

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1. शाकु० प्रथम प.४४१
2. कु.१.२७ महीभत पुत्रवतोऽपि दष्टिस्तस्मिन्नपत्ये न जगाम तप्तिम् ।
3. कु. ६.६३

   एते वयममयी दार कन्येयं कुलजीवितम् ।

   ब्रूत ये नत्र व कार्यमनास्था वाह्यवस्तुपु ॥
4. रघु.२.१०
5. शकु.४.२२ अर्थोहि कन्या परकीयएव
6. कु.६.६३ (उदधन) कु.६.८८ (उदधत)
7. शकु.४.६ पीयन्ने गहिण कथं नु तनयाा विश्लेपदुखैर्नवै

external object. Generally property was given to the son[1] and in particular in royal families it never develved upon the daughter.[2] As a rule, it did not develve upon indaw notwithstanding the fact that full investigation was made for an umbron son.[3] Any type of property both from patenal or maternal side, if any, went to a son.[4] However, the writings of KD. exhibit that the property never develved upon daughter.

But its legal position is different. From the vedic times, she had a right of property[5] Mahābhārata has equated the son and the daughter and has advocated for her property.[6] Gautama, Baudhāyana and vāsiṣṭha omit her as a heir whereas Āpastamba has enumerated her optionally with Sapiṇḍa.

Manu used the word putrikā yājñavalkya and Viṣṇu recognize the daughter as an heir after th ewidow whereas Nārada recognizes the daughter as an heir after the son. Nārada speaks her title to maintenance till marriage.[7] Latest Sontheimer has given a different state Manu invokes the identity of the father with the son and the identity of the son with the daughter in order to advocate the daughter's right tothe father's estate through the daughter

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[1] रघु.८.६

[2] रघु.३.३५
निसर्गसंस्कारविनीत इतयसौ
नपेण चक्रे युवराजशब्द भाक् ।

[3] शाकु.६.पृ,५.३३

[4] रघु.११.६४;१२८८.

[5] Altekar, Position pp. 234ff.

[6] Mahābhārata 13.80.11 (Q. by Altekar op.cit)
यथैवात्मा तथा पुत्र पुत्रेण दुहिता समा
तस्या त्मनि तिष्ठन्त्यो कथमन्या धनं हरेत्

[7] Altekar op.cit p 241. Kane HDS III 713 ff

(putrikā) had to be appointed and in daughter's son was to take eventually the estate of the meternal grandfather.[1] The statement that between son's son and the son of an appointed daughter no diference exists in respect of secular matters and religious duties showsthat the institution was mainly viewed as a device to continue the family by male progency. But the following passaage shows that a daughter could be apointed even if there was a chance of a son's being borne to the father and that a son born after appointment would share equally with the appointed daughter.

In apears that in property matter KD. 5 not following the theoritcal part of the Dharmaśāstra. It would have been definitely custanary *defacto* that the property devolved upon only made capaecenus and the daughters were excluded particularly after marriage whic is continuing upto date even after establishment of her legal right inthe property in modern law unless she moves the count to asect her right.

Non-availability of the property was also one of the causes of the deterioration of her status in society.

But in social matters she has no doubt a *power of delegation*[2] pacticularly in the families where there is no son. This deligation of power occurs in socio-religious matters. The person delegated communicates all the remets to the person who has the power.[3]

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[1] मनु ९.१३३
पौत्रदौहित्रर्लोके न विशेपोऽस्ति धर्मत ।
तर्योहि मताापितरौ सम्भूतौ तस्य देहत ॥
९.१३९
पौत्रदौहित्रयोर्लोके विशेपो नोपपद्यते ।
दैहित्रोऽपि ह्यमुत्रैनं सन्तारयति पौत्रवत् ॥
Sontheinmer. Joint Hindu Family, p.54.

[2] शाकु. प.४३२ इदानीमेव दुहितरं शकुन्तलाभतिथि सत्काराय नियुज्य दैवमस्या प्रतिकूलं शमयितं सोमतीर्थं गत ।

[3] शकु.प.४३२ सा खलु विदितभक्तिं मां महर्षे करिष्यति ।

Polygamy : In order to attain the status polygyamous society, the women had to struggle hard. Any woman particularly in royal families, if does not submit tothe wish of the husband to the extend o facceptance of a co-wife would be put in solitude and repent for her behaviour. The apparent adjustment with the co-vives was very necessary.[1] The kings were after new faces including the new gists.[2]

This situation had created anxiety amongst the relatives of the girl particularly when she is shifting from a similar family to royal family.[3] The relatives simply wish that she should get the behaviour from the husband *at par* with other wives and the rest should be left to her fate.[4]

At the time of KD. polygamy was prevalent amongst the rich men[5] or in royal families.[6] It appears it was not prevalence society in general as a practice because in the context of hermitage it was only in fiction that in why KD. uses the word śrū' to indicate it.

In India, polygamy is known from the vedic period.[7] In the Mahābhārata, polygamy is said to be non-sinful but the woman cannot cross the norms of family.[8]

But amongst the poor only one wife is perscribed because the test laid down by Kathā-soritsāgara, a popular

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1. विक्रमो ३. प. ३८० अद्यप्रभति यां स्त्रियमार्यपुत्र प्रार्थयते या चार्यपुत्रस्य समागमप्रणयिनी तया सह मया प्रीति बन्धेन वतितिव्यम् शाकु.४.१८ (तु.बालरामायण ४.४४) माल.५ प.३३४
2. माल.४ प.३००
3. शाकु.३.प.४६९
4. शकु.४.१७
   सामान्यप्रतिपत्तिपूर्वकमियं दारेपु दश्या त्वयाा ।
   भाग्यायतमत परं न खलु तद् वाच्यं बधूबन्धूभि ॥
5. शाकु.६ पृ.५३३ बहुधन त्वात् बहुपत्नीकत्वेन भवितव्यम
6. रघु.९.१८
7. .वे.तैस सं.६.६.४.३
8. महाभारत १-१६९.३६
   न चाप्यधर्म कल्याण बहुपत्नीकता नणाम् ।
   स्त्रीणामध्मम, सुमहान्तर्तु पूवस्य लगनम् ॥

folk work, is the fortune for the maintenance of wives.[1] It indicates that polygamy was popular only in rich families.

All there reasons were responsible for deterior of the status of girls as gleaned from the works of KD.

Exposure of girls : Following the conventional theme and character of Śakuntalā, KD. has depicted her exposure in jungle and bringing her up by Kaṇva.[2] At any other context, he has not referred to her exposure.

Did this problem exist in KD. age ? Kane has referred to exposure by unmarried women in the vedic Age.[3] The controversy of 'parāsyanti' as exposure in Kāṭhaka Saṁhitā (27.9) and Taittirīya saṁhitā 6.5.10.3 has been rejected by Böhtlingk (ZDMG. 44. p.494) who refutes Delbrück. Similer opinion has been expressed by winternitz,[4] Altekar[5] and Kane.[6]

Stenback also rejected the foetcide and exposere of new born children although he has referred to the exposure of an abnormal girl (Tristanī) in Pañcatantra which could being misfortune to the father.[7] He has cited a number of vedic citation to prove that it was a great sin.[8]

Speaking of its legal aspect, in the Gṛhyasūtras, there is no explicit rules that the girls were exposed. Ever in the

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[1] कथासारित सागर ४९.२०८
सपत्न्यो हि भवन्तीह प्रयाा श्रीमति भर्तरि।
दरिद्रो बिभयादेकामपि कष्टं कुतो बहू ॥

[2] शाकु.१.पृ.४४० उजमिन ताय शरीरसंवर्धनादिभिस्तात् कास्यतेऽस्या पिताा
शााकु.२ पृ.४५२ सुरयुवतिसंभव किल मुनेरपत्यं तदुज्झिता धिगतम् ।

[3] ṚV. II. 29.1.; Kane, HDS. II. 1. p.509

[4] Winternitz : Dir Frauen in der ndiscen Religionen 1920, p.22.

[5] Altekar, position

[6] Kane. HDS. II. 1. pp.509 ff.

[7] Sternbach, JSAIL, I. p.503ff

[8] . वे. १०.१५५.२; काठक ३१.७; तै. ब्रा. २८.१२; तै आ. १०.३८-४०; २७.३.
नसिंहतपिन्युपनिपद् १.५.४.१.
Stenbach, JSAIL I. p.505.

Dharmaśāstra it was not legally prohibited *expressis verbis.* Exposure of male children was certainly punished as the birth of a son was the greater happiness for the consorts. But infanticide was legally prohibited.[1]

It appears for the exposure of girls, KD. has followed the conventional exposure of Śakuntalā and not as an established institution of his times.

Marriage : For all the marriage purposes, father an absolute authority over the daughter[2] and it the moral duty of the father to get has married to a proper and *bona - fide* person.[3] If given to a proper person, she will nor remain & cause of worry for the father. Prof. Altakae has proponded in details the legal duty of a father to hand over to a proper husband.[4] The desire of in girl was also asked though her mother.[5] The main object of the marriage was her transference from girlhood to the establishment of family institution and to get the words like Devī and gṛhiṇī.[6] Before leaving for bridgroom's house,,the permission of all the relative was appreciated.[7] (Śāk. IV.9)

Even with the fact that a person had a love for a particular person, permission of the parents was necessary.[8] This permission is referred to by the word 'abhyanjñā'. Initiative : Generally in Indian parents of the girl take the initiative for marriage. But in KD. the initiative from the side of bridegroom has been depicted.[9]

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1. Steinbach, op.cit, I. p.506.
2. शाकु१..प.४४१ गुरो पुनस्था अनुरूपवरप्रदाने स्कल्प
3. कु.६.७९.
4. Altekar, Position, p.33.
5. कु.६८.५ प्रायेण गंहणीनेत्रा कन्यार्थेपु कुटुम्बिन ।
6. मालविका प.३३३ अभिजनेनैव दत्तो देवीशब्द
7. शाकु.४.१८.यानत्येर गहिणीं पदं युवतय ॥
8. कु.५.७.
9. कु.६.७८
   म ते दुहितरं साक्षात् गाक्षी विश्वग्य कर्मणाम् ।
   वणुते वरद शम्भुरस्मत्क्रामितै पदै ॥Simmmilarly Ku. 6.29; 6.31.

Qualifications : "Befitting the bride" - is a fundamental qualification whic is laid down by Kālidāsa for marriage. it is expressed byt he words anurūpavara,[1] Tulyaguṇa (equality in quality).[2] This equality of qualities is further elaborated in the Raghuvaṁśa viz. the family (kula); physical appearance (Kānti); age (Vayas) and the virtues like modesity etc.[3] "virtue" is another qualification whic his laid down for a good pair by KD.[4] -

For the equality of virtue, KD. appears to be laying down that the girl should be married to the same social perspective to which she belongs. In the congtext of Śākuntala for, let she is not given to a hermit indicates the same.[5] Inter-caste marriage is not incoveraged by KD.[6]

Here KD. fully follows the rule laid down by the texts fo Dharmaśātra and there norms constitute the fundamental structure of Indian society.

Forms of marriages : Two forms of marriages have found importance in the writings of KD. which belogn to different category of marriage in Indian marriage institution. They are : i. Gāndharva ii. Vīryaśulka.

Gādharva : KD has laid down the form and procedure fo Gāndharva vivāha in the context of Śakuntala. It is a marriage without the prior consent of the elders relatives.[7] At another place it is said to be a mutual contract (mithaḥsamaya) which is later on accepted by the parents and society (anu+jñā).[1] The season given by KD. for accepting this type of marriage is that it is the gift of fate and performed without effort to the parents.[2] The mdoe of the form si that it is first consummated and later on accepted by parents. it appears it was popular amongst royal families where young girls became the prey of the royal eyes.[3]

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[1] शकु..प.४३२

[2] शाकु. V १५ समानयंस्तुल्यगुणं वधूवरम्

[3] रघु.६.७७
कुलेन कान्त्या वयसाा नवेन गुणैश्च तैस्तैर्विनयप्रधनै ।
त्वमात्मनस्तुल्यममुं वणीष्व रत्नं समागच्छतु क्चनेन ।

[4] शाकु.४,पृ.४७७ गुणवते कन्यकाा प्रतिपादनीयेत्ययं तावत् प्रथम कल्प ।

[5] शकु.२ पृ.४५३ मा कस्याापि तपस्विन इगुदीतैलमिश्र चिक्कणशीर्षस्य हस्ते पतिष्यति ।

[6] शाकु.पृ.४३६ असवर्णक्षेत्र सम्भवाव्य ।

[7] शाकु.पृ.५२ नार्पेक्षितां गुरुजनोऽनया न त्वयापि पृष्टो बन्धु ।

The proecdure laid down by KD. appears to be the husband or any of his representative approaced the parents of the girl to take became to bridgefroom's house.[4] If the bridgeroom or his representative di dnot turn after the marriage and it has come to the notice of the bride's relative directly or indirectly (Through indication e.g. pregnancy etc. ro through anyone), they mangaged to sand her to bridgeroom's house. (Here int he context of hermitage the students of the teacher who should be treated as her brothers led Śakuntalā to the house of her husband) together with an expeliced and elderly lady (here Gautamā) related in one or the other way to the bride.[5]

Apprehension : In his sub-conscious KD. has apprehensions for such a type of marriage.[6] Since it was an unknown type of marriage, the were possibilities of repudiation as in the case of Śakuntalā. The repudiation made the lady free from all elgal bindings which is called *Svacchandacāriṇī* (a free lady) by KD.[7]

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1. शाकु.५ पृ.५ यन्मिथ समयाद् इमां मदीयाम् दुहितरं भवानुपायंस्त तन्मया प्रीतिमता युवयोरनुज्ञातम् ।
2. शाकु.४ पृ.४७७ तं यदि दैवमेव संपादयति ननु अप्रयासेन कतार्थो गुरुजन ।
3. शाकु.३.७०
   गान्धर्वेण विवाहेन बह्वयो.राजर्पिकन्यका ।
   श्रूयन्ते परिणीतास्ताा पितुमिश्चभिनन्दिताा ॥
4. शााकुं ६.१२
   तावत् प्रिये मदवरोधनिदेशवर्ती॰
   नेताजनस्तव समीपमुपैष्यतीति ।
5. शााकु.४ पृ.४८३ गौतमि । आदिश्यन्तं शार्ङगरवमिश्रा शकुन्तलानयनाय ।
6. शाकु.४ पृ.४७६ तथाप्येतच्चिन्त्यम् ।
7. शाकु.५ पृ.५०७. सुष्ठु तारदत्र स्वच्छन्दचारिणी कताास्मि ।

Law : Kāmasūtra or vātsyāyana has said it to be the best type of marriage because 'the ultimate object of different caremonies is after al the mutual love between man and the woman.[1]

According to Mann, "blame wocky Tāndhrva" Vivāha had to be avoided.[2] This kind of the Gāndharvavivāha was fit for kṣatriyas, Vaiśyas and Śūdras (Mann. 3.23) and according to other sources of law viz. Mann (3.26), Mahābhārata (Ādi, 73) and Śaṅkha (4.3) was permitted to all castes whereas later Smṛtis have prescribed it for all castes.[3]

KD. has undoubtedly followed the convention of Gāndharva-vivāha among kṣatriyas but the details of procedure and apprehensions about this type of marriage are his original contributions.

ii. **Vīryaśulka** : The second type of marriage described by KD is vryaśulka.[4] or at another place Duhitṛśulka.[5] It appears that the conventional theme of the Rāmāyaṇa has been utiliazed by KD. in the depiction of-this institution of marriage.

Hopkins (JAOS. 13. 168 ff. and 357 ff.) establishes it with a type Svyaṁvara which was to be won by a feat of prowewrs as in the case of Sītā & Draupadī. The usual form was well known but it was hardly possible that the bride could follow her own inclinations in a festive gathering daominated by her father.[6] This type of festive svyaṁvara has always been a favourite theme, largely utilized by poets. It is well known in the Rāmāyana, the

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1. कामसूत्र ३.२९
2. मनु..३.४२
   अनिन्दितै स्त्रीविवाहैरनित्या भवति प्रज ।
   निन्दितैर्निन्दित नणां तस्मान्निन्द्यान्विवर्जयेत् ॥
3. Details Stembach JSAIL. I. pp378 ff.
4. रघु.११.४७
5. रघु.११.३८
6. Jolly, J. Hindu Law and Custom, p.111.

Mahābhārata, the Purāṇas and became an essential characteristics of classical ornate poems which is expressed in a number of Mahākāvyas including the Raghuvaṁśa in which the word Vīraśulka occus.

The śulka was established as an institution for the bride in harry antiquity and it continued for a long time. it helped the development of stridhana - Parents returend the bride-price to bride. Alkekar has also collected the condemnation of this type.[1]

Its casual reference is KD. exhibits that it is only conventional and not the vogue form of this institution.

Dowry : KD. has used the word prasthāna-kautaka in Śākuntala. Can it he interprteted as dowry ?

It is definitely not dowry but small persence which form the side of hermitages which is not befit a royal queen.

Sterback propounds taht in Ārṣa-vivāha, the dowry was *essentiale negotic* which was prevelent in other forms of marriage as well.[2] In Brāhma-vivāha also, the maidens are decked with ornamluts (endowed, dressed and adorned).[3] She had to be given a number of valuable presents.[4] In Brāhma, Daiva & Prajāpatya the hestowel of dowry was the essential ingredient.[5]

As glamed from Pañcatantra the custom of dowry was common in India.[6] KD. follows only the presents and not the dowry.

Repudiation after marriage : KD. has referred to the reprediation of girls after marriage particularly in Gaudharva type of marriage (pratyādeśa). The helplessness of the deserted lady is expressed with words of Gautami

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1. Altekar, Position, pp.217-18 Candemnaiton, pp.30 ff.
2. Stenbach, JSAIL, I. 365-66
3. मनु. ३.२७ गौतम ४.६ आशवलायनगह्यसूत्र. १.६.१ कौटिल्य ३.२ यज्ञवल्क्य १.५८
   Stenbach, JSAIL. I. p.369.
4. Stenbach, JSAIL. I. p.369.
5. ibid. p.370.
6. ibid. JSAIL. II. p.75

that "when the husband in haes enough to repudiate her - what should my tender daughter do ?"[1] The persons seeing her off to husband house were have enough[2] and advised her to accept slavery at husband's house as there was no room for her in paental hosue and the relatives were reluctant to take her back. if pure, her only resort was husband's house.[3] If at all repudiated, there was no other option for her except to lead an independent life (Svātamtryam).[4]

Her life after the repudiation became miserable which was a constant issue of worry for parents.[5]

Her spaled clothes speak of her miserable socio-economic position and her subsistance in constant control expresses chr mental worry. She was left forsaken without proper facilities and social company to preserve her good character. Every norm of good character and social-behaviour was expected from her but in consideration she was neither given good food nor clothes and she was depressed by the loneliness.[6]

This condition has been described by Bṛhaspati:[7] Repudiation not only brought a bad name to the girl but also to the repudiator whose status was lesseud in the eyes of society.[8]

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[1] शाकु.५ पृ.५०८ गौतमी प्रत्यादेशपरुषे भर्तरि किं वा मे पुत्रिकाा करोतु

[2] शाकु.६.९

[3] शाकु.५.२७

[4] शाकु.५ पृ.५०८ किं पुरोभगे स्वातन्त्र्यमवलम्बदे ।

[5] शाकु.पृ.५२४ न खलु मातपितरौ भर्तवियोगदुखितां दुहितरं चिरं द्रष्टं पारयत ।

[6] शाकु. ७.२१
वसने परिधूसरे वसाना नियमक्षाममुखी धतैकवेणि
अतिनिष्करूणस्य शुद्धशीला मम दीर्घं विरहव्रतं विभर्ति ॥Also
शाकु. पृ.५५२ एकवेणीधरा

[7] बृहस्पति (उद्धत विवादरत्नाकर)
अनिच्छन्ती तु या भुक्ता गुप्तं तां वासयेद् गहे ।
मलिनांगीमधशय्यां पिण्मात्रोपजीविनीम् ।
Kane, HDS, III. p.948

[8] शाकु ७ पृ.५५० कस्तस्य धर्मदारपरित्यागिनो नम संकीर्तयितुं चिन्तयिष्य

Law : In polygamous society, repudiation and desertion were not impossible but they attracted some legal implications also. But parents of the girl could not intervena.[1] Yājñavalkya (I.76) states that if a man abandoned a wife who was obidient, dilgent, the mother of a son and agreeable in speech, he was to be made to give one third of his property tothe wife and to maintain her if he has no property. Viṣṇudharma sūtra V. 163 made the husband punishable like a thief if he abandoned his blameless wife. Kauṭilya II. 1. also maintains the same.[2] Generally the repudiation of Sītā int he Rāmāyaṇa was quoted as precedent, but later Dharmaśāstrins viz. Vāsiṣṭhadharmasūtra (28.2.3) refused this repudiation. Similar views were advanced by Atri & Devala.[3]

After marriage : At stated preciously the main goal of a girl after marriage was to establish the family institution, get the designation of Devī and gṛhiṇī and beston her full love over her children poeticularly the son. She could create hell if moving contrary to her husband.[4]

After marriage, she had absolutely no connection with the perental house for a long interval viz upto the establishment of the sons in family and entering vānaprastha Āśrama themselves.[5] Supremacy of the husband in her acceptance or rejection shall prevail.[6] Manu holds that the first duty of the husband and the males in the family is to keep women dependent andunder their control if they become attached to a life of pleasure.[1]

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[1] Details : Stenbach, JSAIL, I. pp.464-67

[2] Kane, P.V. HDS. III. 803-804

[3] Altekar, Position, pp.308 ff.

[4] शाकु.४.१८ वामा कुलस्याधय.

[5] शाकु.४ पृ.४९२
दौष्यन्तिमप्रतिरथं तनयं निवेश्य
भर्त्रे तदर्पितकुटुम्ब भरेण सार्धम्

[6] शाकु.५.२६
तदेपा भवत कान्त त्यज वैनं गृहण
त्वा उपपन्ता हि दारेपु प्रभुता सर्वतोमुखी

She had to remain a co-share in the properity and misfortunes of the husband.[2] She had to remain in family regulation (niyama)[3] and any beack in rules of family and society shall attract severe plantly (Śāpa in the case of Urvaśī)[4]

The service of the family as her legal liability has been propeounded in details by the works of Dharmaśāstra.[5]

When her husband was alive, present were very relactant in giving her shelter because notwithstanding in face that she was pure .and chaste, she was seen with an eye of doubt.[6]

Miscelleneous Problems

InIndian society, the friends of the girl did not accompany be to us house of hac in-laws because that would have created a doubt in the mind of would be in-laws of the girls who are to be married in here future.[7]

Ascenticism till death : A reference in KD. exhibits

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1. Kane, HDS. III. p.536. Also Hārīta Q. in Smṛti Candrikā II. p.239. तस्माद्रेतोपधाताज्जयां रक्षेत् ।जयानाशे कुलनाश कुलन्तशे तन्तुनाश तन्तुनाशे देवपितयज्ञनाश यज्ञनाशे धर्मनाश धर्मनाशे आतमनश। आतमनाशे सर्वनाश ।
2. रघु.८.६५
3. विक्रमो.३ पृ.३७८ विहितनियमवेषा महर्षिमहिषी दश्यते ।
4. विक्रमो.४ पृ.३८८ अनुनयमप्रतिपद्यमाना गुरुशाप संमूह्दया विस्मतदेवताानियमा स्त्रीजनपरिहरणींयं कुमारवनं प्रविष्ट प्रवेशानन्तरं च काननो पान्तवर्तिलतभावेन परिणतमस्या रूपम् ।
5. Kane, HDS. II. 561 ff; Stenbach, jsesiele. II. 104 ff; Manu 5.149; Yāj I.77 Rāmāyaṇa. 2.24, 25 etc.
6. रघु.१४.५५;शाकु.५.१७
   सतीमपि ज्ञातिकुलैकसंश्रयम्
   जनो ऽन्यथा भर्तमतीं विश्कते ।
7. शकु.४ पृ.४९१ इमे अपि प्रदेशे । न युक्तमनयोस्तत्र गन्तुम्

that the girls in the Āśramas could remain unmarried till death and lead in life of asceticism.[1]

We find the references of spinosters in the Mahābhārata and Baudhāyana[2] - In therīgāthā the salvation was obtained by 32 (unmarried) and 10 (married) women who belonged ot rich families and wooed by princes and rich merchants.[3]

Education : KD's girl are educated in various arts particularly in fine-arts. According to Altekar[4] in heroines Sanskrit dramas and poems liek Priyadaeśikā, Śākuntala and Kālidāsa written in diving the first millionium of the christian Era, are well-versed in most of there arts. These constiting of playing of the lute śalākālakha, prabadhālocana, songs and dance. details of her education is found everywhere.

Dance in tembles : KD has referred to dancing girls called by the word veśyā (prositutes ?) with temple of Mahākāla.

The works of antiquity viz. Jātakas, Greek writes and Kauṭilya in silent about these dances.

Purāṇas[5] not only refer to such dances but also recommened for their arrangements. In Rājataraṅgiṇī (IV.31), there is a reference of dancing girls.

In the temple of Somanātha 500 girls were form. it

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1. शाकु.१.२४
2. Altekar, Position, p.33.
3. ibid. p.12.
4. Altekar, Position, p.21.
5. Padmapurāṇa (Sṛṣṭikhaṇḍa) 52, 97
   क्रीत देवाय दातव्या धीरेणाक्लिष्ट कर्मणा
   कल्पकालं भवेत् स्वर्गो नपो वसौ महाधनी !
   Bhaviṣyapurāṇa 1.93.67
   वेश्याकदम्बकं यस्तु दद्यात् सूर्यस्य भक्तित
   स गच्छेत् परमं स्थानं यत्र तिष्ठति भनुमान् ॥

had an impact on Jain temple as ell as dancing girls are refered in Hemacandra's Dvyāsrayakāvya (Ku.II.73) According to Kuṭṭanīmanta, dancing girls were found at the temple of viśvanātla at varanasi.[1]

So KD. is referring to a prevalent system of his times.

Purdā : There is no reference of Purdā int he case of girls in KD. but ladies used ot have it Altek or has cited a number of royal ladies without Pue.

In sanskrit dramas no puetā is observed, otherwise, opines Altekar, no plots of Śākuntala and Mālati mādhava would have been possible.[2]

Abduction : Amongst other problems abduction of girls in the highway is referred.[3]

Love affair : As referred previously, Gāndharva - vivāha was her legal right. But another way of expressing love and forming it is through 'abhisāra' Abhisākas are referrd to frequently in the works of KD. and other classical sanskrit works. Spinsters had no bindig to make their love-affairs particularly in Rākṣasa culture as gleaned from the Rāmāyaṇa and followed by KD. The word Vṛṣasyanti indicates that it was out of lust only and not a penuinl love-affair. it has no legal sanction in Indian society.[4]

Eve-teasing : The eternal problem of eve-teasing was prevalant in the times of KD. as well when the immodest rogue. exercised this practice over innote girls even in Aśramas.[5] The king had a strict virilence and control over this problem.

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1. Altekar
2. Altekar, Position, p.172.
3. विक्रमो.१ पृ.३८ अर्थपथ एव बन्दिग्राहं गहीताा ।
4. रघु. १२.३४ इति रामो वपस्यन्तीं वपस्कन्ध शशास
5. शाकु.१.२२

क. पौरवे वसुमतीं शासति शासतारि दुर्विनीताना
अयमाचरत्यविनयं मुग्धसु तपस्विकन्यकासु ।

Thus unlike modern society, individual conscusness, problem of unemployment differenty in marriage, dowry system and bride-brining never existed in KD. It was a calm & quite phase of Indian society.

Chapter XI

Legal Position of Widow in Kālidāsa

Geneally the position of widow is bad throughout the world. But in the perspective of Indian society, it is worse. The general reactions of widows in the eyes of Kālidāsa is not only painful but even after a long span of time. Its memory is equally painful.[1] Not to speak of a bad position of widows in the human life, it is horrible and intolerable amongst deitis[2] and royal families as well which the poet has expressed through a simile of a creeper clining a tree.[3] The simile figuratively expresses the love for the king but indirectly express their full dependent nature which deteriorated along with the death of the king.

In the Mahābhārata[4] also, a similar position of the ladies may be observed. The bad and constantly weeping situation of widows expressed by Kālidāsa in Kumārasambhava made Nāṇa repeat it in different words.[5] The pathetic condition is not only in the depiction of the condition at the time of the death of their husbands i.e.

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1. मालविक V (R.P. Dwivedi's Kālidāsa Granthāvali
   पुनर्नवीकतवैधव्यदुखया मया
2. कुमाार सम्भव IV १-३५ असह्यवेदन
3. रघु. १४.१
   भर्तु प्रणाशादथ शोचनीयां दशान्तरं तत्र समंप्रपन्ने
   अपश्यतां दासरथी जनन्यौ छेदादिवोपध्न तरोर्वतत्यौ
4. शान्तिपर्व १४[illegible] मर्वापि विधवा नारी बुहपुत्रपि शोचते
5. KANE, P.V. Ed. Harṣacarita, p.101, on न च शक्नोमि दग्धस्य भर्तुरायपुत्रविरहिताा रतिरिवानर्थाका न्लापान्कर्तु

sacttered hair,[1] bearing of breasts etc. but it lies int eh uprooting of their fundamental subsistence.[2]

From marriage to widowhood

1. **Love and adiustment:-** The essential ingradient in the Kalidāsā's concept of marriage are family, age and virtue which[3] creates mutual adjustment[4] and spontanouslov between husband and the wife. Equality is very essentia for adjustment.[5] It begets the natural intinct of love which is essential in the ideals of Kalidāsā's family particularly when it is bilateral.[6] As soon as this deep-rooted love decelovped in years is broken, the spouse are bewildered which is the serious cause of gony. Kalidāsās has made this relationship deeper by propounding that it is constant and coming from precious births.[7] By joining it with Dharma. Kalidāsā tried ot make this relationship an

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1. कुमारसम्भर विकीर्णमूर्धजा म महाभरत स्त्रीपर्व विप्रकीर्णकेशा क्रोशन्ती कुरीखि प्रकीर्णकेशां सुश्रेणीं दुयोध शुभ[गगम् ।
मौसल प्रकीर्णमूर्धजाा सर्वा विमुक्ताभरण स्रज हर्पचरित बध्नाातु वैद्यवावेणीं वरमनुप्यता शूद्रकमलााकर अतएव गौस्त्रीणां विधवानां शिखा दश्यते ।
KANE, P.V. HDS. II. 1. p.593
2. कुमारसम्भव
तमवेक्ष्य रुदोद सा भशं
स्तनसंबधमुरो जघान च ॥
3. रघु.६.७९.
कुलेन कनत्याा वयसा नवेन गुणैश्च तैस्तैर्विनयप्रधाानै
त्वमात्मनस्तुल्यममुं वणीष्व रत्नं समागच्छत क्चनेन ॥
Also ibid, VI. 85.
समगुणयोगप्रीतयस्तत्र पौरा
4. शाकुन्तल १ पृ ४३६६ प्रियम्वदा यथा वनज्योत्स्नाा अनुरूपेण पादपेन संगतम् अपि नाम एरमहमप्यात्मनोऽनु रूपं वरं लभेयेति ।
5. शाकुन्तल ५.१५.पृ.५०२ समानयंस्तुल्यगुणं वदूवरम् ।
6. रघु.८.७२;रघु.१४.६५.
किंवा तवात्यन्तवियोगमोधे कुर्यामुपेक्षाां हततीवितेऽस्मिन् ।
7. कुमारसम्भव १.२१

external institution.[1] The concept of "better-half" due to love is not only propounded by Kalidāsā but also some Smtikarās.[2] It was blended with confidence and a knot of children made it inseparable.[3] By pleasing their husbands they got the rare word Devi or Grihini,[4] which was, perhaps object of their life. As soon as their husband expired, the full labout of their married life was lost and they were left helpless in the society where they had no rights and sometimes to the extent that they had no right of saintenance.

In polyfamous society[5] the rivalry amongst widows for theri mantenance and flottery if the memberts of the society was also a seriosu cause of agony for the widows. The gradation in the status of wives of the decessed might have brought revengeful attitude amongst the widows as it is gleaned from a number of diterary works.[6] The position of ladies was not at all independent. They depend fully onthe status of their husbands or sons.[7] In the society, they had

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1. ibid. VI.13
   तद्दर्शनादभूच्छम्भोर्भूयान् दारार्थमादर.
   क्रियाणां खलु धर्माणां सत्प्न्यो मूलकारणाम् ।
2. कुमारसम्भव १.५० प्रेम्णा शरीरार्धहरा हरस्य Quoted in विवादशत्नाकर
   शरीरार्ध स्मताा भार्या पुण्यपुण्यफले समा ।
   अन्वरूा जीवंति व ासाध्वी भर्तहिताय स ॥
   Altekar, Position of women in Hindu civilization p.123. f.n.2. Alaos quoted by Aparārka p.111 who attribute it to Bṛhaspati.
3. मेघ.(उततर ४९) कुमारसम्भव ६.२८
4. शाकुन्तल
   अभिजनवतो भर्तु श्लााध्ये स्थिता गहिणीपदे ।
   भर्तु वहुमानसूचकं देवीशव्दं लभस्व ॥
5. शाकुन्तल १ अनसूया वसस्य बहुवेल्लभा रजान श्रूयन्ते । यथा इयं नो प्रियसखी वहुजनशोचनीया न भवति तथा निर्वर्तय ।
6. हर्षचरित ५ सपत्नीनां शिर सु निहितं नमत्रिखि लकटककुटुम्बिन किरीट माणिक्य मालार्चितं चरणदुगलकम् ।
7. मालविका ५ पृ. ३३१ भर्त्र्मि वीपत्नीनां श्लाध्यानां स्थापितरा धुरि । वीरसूरिति शब्दोऽयं तनयात् त्वामुपास्थिति ॥

fikkle to follow the will the of their husband otherwise they were bowildered. It was to the extent of the remarriage of their husband before themselves. They had to win the favour of their husbands by love and not by hate and tension.[1] By the wall of their husbands even wonton could became a chaste woman.[2]

Property : The law of property inheritance in Indian Society and also accordingly in Kalidasa is from father to som to the exclusion of widow.[3] If there was no son, it directly went ot state. In Abhijñānaśākuntala, the property of Sarthavaha Dhanamitra was attached to state by the minister.[4] There are direct references in Kalidasa that the property develved upon the sons of the married lady that not to the lady herself. The younger brother of Kubera due to multiplieitty of arms, heads and thighs which were not previously as they were now), looked as if having been reverted back to Matravamsa due to attainment of property of the maternal lineage which he previously did not possess. it indicates that the property of maternal grandfather went to son and not to their mother.[5]

Another reference in Kalidasa shows that the property w-problem of maintenance of issueless widows was a serious problem.[1]

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[1] .ibid. p.334. प्रतिपक्षेणापि पतिं सेवन्ते भर्तवत्सलां साध्व्य ।

[2] कुमार. VI.86

[3] रघु. VIII.6 पदमद्धयजेन पौतकं विनयेनास्य नवं च

[4] शाकुन्तल VI. p 533 समुद्रव्हरी सार्थयौवनम् वाहो धनमित्रो नाम नौव्यसने विपत्र अनपतयश्च किल तपस्वी । राजगामी तस्यार्थस्चय इतयेतदामात्येन ळिखिततम् ।
But even by the final decision, widow could not get the property.
राजा ननु गर्भ पित्र्यं दिवथमर्हति गच्च एव मामात्यं ब्रूहि ।

[5] रघु. XII.88
भुजमूर्धोरुव्याहल्यादेकोऽपि धनदानुज
ददशे ह्यथार्पूर्वे मातवंश इवस्थित Also
रघु. XI.64 पित्र्यमंशमुपवीतलक्षणं मातकंच धनुरुर्जित दधात् ।

LAW : A widow had to lead a life of perfect calebacy, ecen if she was a child widow. She had to act like an ascetic,[2] being poorly fad (only once a day and prorlyclad. From the remote antiquity, shewas refused to the right of inheritance. Apastamba II.4.2-4 propounds that in the absence of a son, the property shall devolve upon Sapindas. In the absence of Sapimdas, it shall go to Acarya etc.[3] It is very strange that the progressive jurist like Kautilya[4] also exclusdes her fro, inheritance. According to Altekar[5] from the period 400-1000 A.D. jurists were divided into two schools : the orthodox one, which was not ready to recognise the widow as an heir and the reformist one, which was bent agitating for the popularization of its new reform.[6] Manu excluded widow from the inheritance whereas Yajnavlkya was striving to admit her in the property. Katyayana evolved a mid path by applying the principle of 'chastity of widow'.[7] In case she is chaste, she shall inherit the property but otherwise it shall go to co-parceners of her husband.[1] Visnu also favours widows.[2]

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[1] मालविका. III. p.304 भवतो बल्यादपि प्रियवयस्योऽस्मि विचार्य अपुत्राया मे जन्मया योगक्षेमं वह ।

[2] KANE, P.V. HDS. III. 1. p.586.

[3] पुत्राभावे य प्रत्यासन सपिण् । तदभावे आचर्य आचर्याभावेऽन्तेवसी ह्त्वा धर्मकत्येपु भोजयेत् । दुहितात्रा

[4] अर्थशाास्त्र III. 5 अदाायाादकं राजा हरेत्स्त्रीवत्ति प्रितकदर्यावर्जम्

[5] Altekar, *op.cit.*, p.252.

[6] मनुस्मति. X.185, 187
पिताा हरेदपुत्रस्य स्थियं भ्रातारं एव च
अनन्तर सपिण्ााया स्तस्य तस्य हरेद्वनम् ।
अत रुद्वं सकुल्प चार्य शिष्य एव वाा ॥

[7] यज्ञवल्क्यस्मति II . 135-6
पत्नीदुहितरश्चैव पितरौ भ्रातरस्तथाा तत्सुता गोत्रजां वन्धु शिष्यसब्रह्मचारिण ।
एणामभावे पूर्वस्य धनभाागुत्ततोरत्तर स्वर्यातस्य ह्यपुत्रस्य सर्वपर्णेष्वयं विधि

.... It was with a difficulty that the king gave his decision for the would be prpgeny. So for the law of property Kaliāasa belongs ot orthodox school and not the reformist as propounded by prof. Altekar. This thesis can be corroborated by the fact that Kauṭilya uses the word "Dāya" whereas both Manu and Kālidāsa have used the word "Riktha". Viṣṇu smṛti uses the word 'Dhana'. We may arrive at the conclusion that both in vocabulary and ideas Kālidāsa follows Manu.

SATI: Under the circumstances described above, it became an option for wieows: either to live on the mercy of the members of the family lamenting or to commit suicide by burning herself along with the flames of her husband and not to enjoy the prosperity of her sons.

A clue to Satī appears in the word 'anumartum' whcih has been used by Kālidāsa.[3] Kālidāsas has not prppounded this institution as a compulsory institution which was, perhaps, in becoming in the time of Kālidāsas. A spontaneous desire of death may be an outcome of the socio-economic miserable condition of the women and also due to an infinite love bestowed by the husband which Kālidāsa thinks as an ideal. This spontaneity of love is eternal and natural found not only int he context of widows but also in the husbands, inanimates and servants. Similar concept are found in other literary works also. Kālidāsas has described it poetically viz. the moonlight disapears with the moon; the lightening with cloud and the ladies with their husbands.[1]

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[1] Quoted in वीरभित्रोदय 626-627 in दायभाग स्मतिचन्द्रिका etc. KANE, HDS. II. i. p.584.
अपुत्रा शयनं भर्तु पालयन्ती गुरौ स्थिता भुजीतामरणत्क्षान्त दायाद ऊरध्वंमाप्नुयु ।

[2] विष्णुस्मति XVII.43 अपुत्रस्य धनं पत्नयभिगामी तदभावे दुहितगामी ।

[3] रघु. VIII.58
इयमप्रबोधशायिनीं रसनाा त्वां प्रथमाा रह सखी ।
मतिविभ्रम सादनीरवाा न शुच नानुमतेव लक्ष्यते ॥

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[1] कुमार० IV.33

शशिना सह याति कौमुदी सह मेघेन तित् प्रलीयते
प्रमद पतिवर्त्मगा इति प्रतिपत्रं हि विचेतनैरपि ॥

Chapter XII

Prostitution in Kālidāsa

A few centuries before Kālidāsa (K.D.), the prostities had enjoyed a prosperous, bountiful and glorious condition particularly prostorture, *par excellence* viz. Ganikā in the regime of Licchavis. The elaborate description by Kauṭilya (Arthāśastra)[1] and Vātsyāyana (Kāmasūtra)[2] and Śudraka[3] not only enlist a variety of prostitues but also have established their instition for the state; their statutory protection; maintenance in elderly age; punishment in the case of the murder of the prostitute by the paramour and full relation with the establishment state as an income-tool senvity in full-fledged of superintendent of prosttute responsible for their incme, expendite, fine in case of marriage, etc.

Kālidāsa, the poet *par excelence* has teied ot depict the prostites directly or indirectly through vocables but has not referred to theri legal pertion as it was in the kauṭilya's Arthaśāstra or Kāmasūtra or in the poly Mṛcchakeṭika.

It may be due to face that in positon of prostitutes had decayed in society and the law of Manu which is a social standard for Kālidāsa does not speak high of prostities. Law of kauṭilya is mainly related to law of kings and administration and hence prostitions who were an extra coin for exchequer could not be omitted. But in social law prostotute were through to be the destroyer of the society (as in the Śukanāsopade's of Bāṇa ; uparṛṣṭa iva

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1. Kauṭilya's Arthaśāstra Tr. R. Shameshastry, 1968, pp. 139-142 chapter XXVIII.
2. Kāmasūtra 363. 15-16 (Q. Sternbace JSAIL I. 200-201).
3. Mṛcchakaṭika whese main theme is proshite and her psycho-analysis. Besides Kuṭṭanī metam and Samayamātṛkā of Kṣemendra and beautiful works on life, etiquettes, daily routine and activite of prostudes.

kṣudrādhiṣṭhitabhavanāḥ[1] (Reprint) p.232. as Bāṇa is also an anti kauṭilya thinker : Kiṃ vā teṣān sāmprotaṁ yeṣaṁ Kauṭilyaśāstraṁ pramāṇam).[2]

Making of Prostitues : It is not necessary that the daughter of proststute[3] should be made prostatute. Law of Kauṭilya propound that the basis for making the prostitutes is their beauty. If the daughter of a prostitute is not beautiful she could have got in maintenance or the property of her mohter. But the only criterion was the beauty which was a basis principle with selection of a prostitute among Licchaviz. But Kālidāsa has not referred to this principle. The following circumstances for making the prostitutes can be gleaned fromt he works of KD.

i. **Repudation** : The married women, if repudiated by their husbands were compeleld for prostotution women were not independent economically. If they wanted to service (as in the Raghuvaṁśa in the case of Sītā).[4] They were either to accept the shelter in soem Āśramas (as Sītā) did; or go to their their parental house whichwas generally not comended (as in the case of Śakuntalā where she had to take shelter with he real mother as in the Āśrama, she was becommitted to enter only after the coronation of her son.[5] The third option of her survival was only to accept prostitution (Kāmacāra) which accepted in words even by the royal lady liek Sītā not to speak to a general type of a woman. (Kāmalāra)

This repudiation was made if in lady did no follwo the will of her husband i.e. unconditioned non surrender resulted in repudiation and consequently to prostotion

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1. Kādambanī, M.S.P
2. ibid. p.236.
3. Abū Zeyd Hassen (10 ii cent) & D. Paes (16th cent) record that the daughter of prostitutes were made prostutes (A. Steanback, *op.cit.*, 1. 211).
4. Raghu. XIV. 62 कल्याणनुद्धेरथरा तवायं न कामचरो मयि श्कनीय
5. Śāk. IV. 20 मेने मेनापि तत्सर्वं पत्यु कार्यमयीप्सितम् ।

(vyabhicāriṇī)[1] In Abhijñānaśākuntela[2] Dweivedi p.508. it is called independence (Svātantryaṁ) which is used in a bad sense communicating the meaning of svairiṇī.

The context of Śākuntala exhibits that if a newly wedded woman was repudicated by her husband alleding adulty on her person (may be true, may not be true), the relatives (Śāraṅgarava in the context) were also cruel towards her and adopted harsh attitude for her. Leaving her in lauah left no option with her both due to social and economic condition other than accepting prostition.

This economic portion is known from the hoary quanquity (in Ṛ̣V.) when the hrokeeless girls (who had no independent subsistence) accepted prostition for their subsistence.[3]

This type of lady fell viction in the hands of the unscruplous element who decorated her; trained her and put her in the market to sell their person which was also not illegal in the timeso fKālidasa.

This context of the Raghuvaṁśa has used two epiets.

i. Vipaṇisthapaṇya (Raghu X) full verse being

पूरावबभासे विपणिस्थपण्या ।सर्वा्ंगनद्धाभरणेव नारी

The word vipaṇistha by double endenders (Śleṣa) is applicable both to pūḥ (city) and Nārī giving forth the meaning that the woman was sold in the market like other commodities

ii. Sarvāṅganadhābharṇeva nārī : Indicates that she was fully decorated with ornaments to attract her clients before she was put in Bazar for public sale. This decoration was made in public and for the public including the visits

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1. KU. VI.86 भत्रन्त्यव्याभिचरिणम्यो भर्तुरिष्टे पतिव्रता ॥
2. Śāk. V (Kālidāsa Granthāvali Ed. R.P
गौतमी प्रत्यदेशपरुपे भर्तरि किं वा मे पुत्रिकाा करोतु
शात्ग्ख किं पुगेभागे स्वतन्त्र्यमवलम्बसे
(शकुन्तला भीत त्विपते)
3. Ṛ̣V. I. 124; IV. 5.5; AV. I. 17.11 (Q. Macdonell & Keith, vedic Index, p.395.

for in king if he desires indicate that the prostitution in the time of Kālidāsa was a legal institution longer the granderur of the institution had feded away.

Kauṭilya has prescribed "when a prostatute puts etc jewelery in the hands of any person but her mother, she shall be fined 4-1/4 paṇas.[1] The wearing of jewellery was for her decoration, a type of investment and to quote Kauṭilya[2] again, if she sells or mortages her property (Svāpateyam) she shall be fined 50-1/4 paṇas. The word Svāpateyan in literature refers to cosmetics and jewellery (Harṣa-carita). It means jewellery given to her was an investment on her and was not her legal transferable property. This theme of jewellery attacted.

Śūdraka[3] who thinks that it is her exclusive property. which can be transferred to any third person. But thieves like śarvalika were searching such like not-transferrable property which would have made another person (cārudatta) & prey and victim for its loss.[4]

The beauty of the lady was her real property as gleaned from the verse of KD. and corroborated by kauṭilya, "when a men keeps under cofinement or abducts a prostitute against her will, or disfigures her by causing hurt, he shall be fined 1,000 Paṇas or more.[5] The hurt to her person appointed at the count was also a pecumiorty offence.[6] Not to speak of a prostitute if a tortute by means of causing hurt to her mother, to her young daughter or to a Rūpadāśi (f.n. comm. one who is employed in making garlands, seeuts and the like : Stenbace : A type of

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1. Arthaśāstra op.cit., p.140.
2. ibid. p.140.
3. Putting the ornaments in the cart of a called is the real theme of Mṛcchakaṭika or the clay-cart.
4. Mṛcchakatika.
5. Arthaśāstra, *Loc.cit.* p.140.
6. ibid. p.140.

prostute) was made, it was also punished with the highest amercement.[1]

The first type of prstitution resulting from repudiation did not provide any statutory protection to prostitutes although they were not illegal.

But the legality of the prostition can be doubtled because the reference of the Meghadūta propounds a second type of prostitution which was performed outside the city-boundaries perhaps in the tribal area only for the satisfaction of their sexual lush.

ii. **Second type** : The second type which mentioned in the Meghadūta (pūrva. 25) :

नीचैराख्यं गिरिमधिवसेस्तत्र विश्रामहेतो
स्त्वत्सम्पकर्ता पुलकितमिव प्रौपुष्पै कदम्बै
थ पण्यस्त्रीरतिपरिमलोद गारिभि नारीराणा
मुद्रामानि प्रथयति शिलावेश्मभि यौवनानि

It was the typeof free style open prostitution in the mountain by their tribal inhabitants which may be only due to *poverty reason.* The area had become so notorious that the alias name of the mountain (which ?) was Nīcaiḥ due to its prostitution venue. (Nīcaih may be a geographical descending). The second line exhobits that the climits were not only welcomed but also created romantic atmosphere (pulakitaṁ) particularly when a rich person (like in cloud in the context) had arrived there. So, it was either due to the romantic disposition of the woman of that area or due to economic reason that prostition was in vogue. But the social attitude of the public was not good towards these people and hence satifically they named it (Nīcaiḥ giri) (such epithets are found in these bazar even today). viz-avis nāgara (a citizen), it indicates that the inhabitants of the area were village. The word paṇyastri used by KD. defimitely indicates to characterless ladies (generally KD.

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[1] ibid. p.140.

uses strī[1] xii. *Cruelty* ku. IV.5. xiii *Avoiding* ku. III.74 in this sense and later an used in lexicographical literature also).[1]

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[1] Sexy atmpsphere i. Ṛtu. VI.12
नेत्रेपु लो लो मदिराललेपु
गणे्पु पणु कठिनस्तनेपु
मध्येपु निम्नी जनघनेपु पीन
स्त्रीणामन्गो बहुधा स्थितोऽद्य ॥
ii मे.पू.२८ स्त्रीणामाद्य प्रणयवचनाम (initiative in love)
iii यत्र स्त्रीणां हरति सुरतग्लाानिम्गानुकूल (naked love)
iv मे.उ.यत्र स्त्रीणं
गग्लानिं सुरतजनितां तन्तुजालावलम्ब्वा
तु ऋ.V.7 प्रकामकामैर्थुवमि सुनिर्दयं
निशसु दीर्घाा स्वाभिरमिताश्चिरम् ।
भ्रमन्ति मन्दं श्रेमखेदितोख
क्षयाावराने नवयौवना स्त्रिय
This expression is simslar to that of the situation of prostitute in Megha (Pūrva) 25
उददाभानि प्रथयति शिलाावेश्मभिर्थौवनाानि
नवयौवना स्त्रिय पण्यस्नी यौवनानि
The atmosphere in (7-10) is that of stri and wilāsinī which changes immediately to yoṣit, pati and priyatama i.e. from a prostotution to a wife.
vi. The difference between strī and nārī in the Ṛtu II. 22 is that strī exhibits her body whereas nārī enters the house. Also Ṛtu V. 8, 9, 10 exhibited the same.
vii. Ṛtu. II. 18
शिङ्गेरुहै श्रेणितटावल्मिभि कतावतंसै कुसुमै सुगन्धिभि
स्तनै सहारैर्वदनै सशीधुभि स्त्रियो रतिं वनयन्ति कमिनाम्
It may be quoted with Rūpāvijīva, a synonym of prostutite in lexicographical tradition.
viii. An atmosphere of Pravāsin, Stris attract Ṛtu. II.20
तिल्लता शक्रधनुर्विभूपिता
पयोपरास्तोयभरावलम्बिन
स्त्रियश्च का्चीमणिकुण्लोज्जवलाा
हरन्ति चे तो युगपत् प्रवाासिनम्
ix. Ṛtu. II.7 निपातपन्त्य परितस्नट द्रमान्
प्रवद्धवेजै सलिलैरनिर्मलै ।
स्त्रिय सुदुष्टा इव जानविभ्रमाा
प्रयान्ति नघस्त्वरितं पयोनिधिम् ॥

The word 'parimalodgāri' indicates the profundity of sexual relation with a number of Nāgaras which means that for money (paṇya) these women, not belonging to one man (Strī) committed union frequently in a day whic hresulted in the perfumercy of the stones as well.

Not directly but indirectly kauṭilya a has indicated to this contract whch protects the prostutute being enjoyed against her will on one hand[2] and the client being defamed by the prostitute[3] on the other hand. But this legality does not give the prostotuts a statutory protection in KD. nor the clients are not afraid from prostotute and hence commit it in the caves in the mountains and nor in the public in their own city.

The provizion of fine in the case of a paramoue steading the jewellery or money or fails to pay the fees due to a prostotute as made in Kauṭilya[4] is also missing

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Also cf. Śāk. V 21
व्यपदेशभााविलयितुं समीहस्ते जनभिकं च पातायितुम् ।
x. No glamour on the face
स्त्रीणाां विहाय वदनेपु शशा्कलक्ष्मीं
काम्यं च हंसवचनं मणिनूपुरेपु
बन्धूककान्तिमधरेपु मनोहरेपु
क्वापि प्रयाति सुभगशरदाननश्री
xi. स्त्री in a general female sense vs. male particularly in Kumārasambhava. II.7; III.9; VI.12.
xii Cruelty Ku IV 5
कठिना शक्लु स्त्रिय
xiii Avoiding Ku III 74
स्त्रीसंनिकर्पं परिहर्तुमिच्छन्

1. Perhaps due to its *bad sense*, the Kīrtibhāṣya thereon impose a had meaning on it vij. स्त्यायाति दोपान् इति स्त्री
2. Atharśāstra : *loc.cit.* p.140
3. ibid. p.140.
4. ibid. p.141.

from KD. Perhaps poets were afraid of this institution and public and refer to it steadily and not directly.

Prostitution in temples : Another interesting type of the prostitutes were the "veśyā". The context exhibits that these were not real prostitutes but were extish dances who were regularly preserved by the temples. The context in the Meghadūta shows that they had a training of regular dance (Śāstrīya) as well as folk-dance (Cāmave - dance which is explained by Mallinātha as a folk-dance. The word veśya has lost it meaning because it is used in a very bad sense in the modern times. The etymology from 'veṣa' incidcates that she might have been a 'decorator' of Gaṇikā and like 'Rūpajīvā' she was also elusted inthe list of synonyms of prostotute.[1]335. It was only due to her "dressed" dance that she was though to be a prostitute although her duty was only to dance in the temple. (Even today, the public uses the word "kañjarī" not discriminating between the śāstra dancer and an inferior mujarāh dancer). This type is depicted in Kāmesritra's comm. Jayamaṅgalā[2] also which indicates the relation of veśyā was mainly with 'veśa' and sixty four arts and inorder to impose these characteriztics of veśyā on Gaṇikā, the synonym was transferred and the words mixed up.[3]

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[1] Cf. Abhidhānaratnamālā Ed. T. Aufrecent Lahore, 1928, II 335 क्षुद्रा, रूपजीवा, वेश्या, गणिका, पणा[गना, क्षुद्रा

[2] Kāmasūtra 189.5 (Q. Stenbach, *loc.cit*. I. 201 f.n. 15 वेश्येति वक्तव्ये गणिकाग्रहणं योपिदपि चतुंपष्टि विचक्षणे इति दर्शनाार्थम्[Also 363.14 for various prostitutes viz. Gaṇikā-uttama; Rūpājāvā Madhyama and Kumbhadarī adhama.

[3] For Details : Sternbach, L. Veśyā : synomyms and aphorisms. Bombay, 1945 IN Bharatiya vidya vol. VIII. 256 ff. he voles 330 synonyms of prostitute. Of them important are : गणिका, प्रतिगणिका, रूपजीव, वेश्या, दासी, देवदासी, पुंश्चली, शिल्पकारिका, कैशिकस्त्री, रूपदासी, अदासी अवरुद्ध, कतावरोधा, कतापराधा, दुहितका, कुमारी etc. The female artists mixed up with the synonyms of prostitutes that is why Kauṭilya (*loc.cit*. p.141) had to make the law which was applicable look to artists and prostitutes.

In the Jātakas Veśyā was in high esteem the word was indiscriminately used as a synomym for Nagar śobenī (nagar-sobhinī, Nagar-Sobhanā and Vannetasi (Jataka 14, 92, 276, 318, 419 etc. Jātaka. 276, 419, 425 & other. Stembach - JSAIL. *op.cit*). Śukasaptato[1] (ZDMG 48, 608) explains five important types of prostotutes viz. gaṇikā, vilāsinī, Rūpājīvā, Arthavṛttkā & Dārikā (Q. Stenbach, *op.cit*) slosly in Bengal (Međinī quoted in Śabde-Kalpa-druma).[2] Veśya was also identified with bhujiṣyā (an enjoyable woman), Dāsī and Gaṇikā.

But in Sanskrit literature, veśya and Gaṇikā was used indiscriminatingly[3] That is why the devadāsa (veśyā in the temple) was mixed up with Gaṇikā or prostitute.[4]

It is quite probable that if the daughters of the prostitutes whowere compelled to become prostitutes refrained from adopting this occupition, they became prostitutes for the temples and hence were called Devadśīs. This fact is recorded by Abū Zayd Hasan[5] in 10th century and D. Paes in 16th century A.D.[6] Durate Barbosa in the beginning of the 16th century describing the custom of Satī state that these widows who did not burn themselves were held in great dishonour and became a shame to their feminine; because of that, they became Devadāsīs. Tom Pires who wrote his Sume oriental also in the beginning of the 16th century (Stembecb, *op.cit.* 1.69). These later accounts also reveal that the third reason of becoming the

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1. Śukasaptati ZDMG 48, 608.
   यतो गणिकादीनां बहवो भेदा परं प्च प्रसिद्धा । तेपु संलीना सर्वेऽपि भवन्ति । चे त इमे प्च गणिका वितासिनी रूपाजीवा,अर्थवत्तिंका दारिका चेर्ति । एतेपा भेदानां सर्वोत्तमा गणिका
2. भुजिप्या - दासी गणिकेति भेदनीये
3. Stenbach, *loc.cit.* I. p.201.
4. Ed. Q. Farrand, 124 (A. Encye of Rel. & Ethics vol. X. p.406).
5. Sewell, R. A forgotton Empire, London, 1900, p.240 (Nos. 30-31 Q. Stembach, *loc.cit.* I. p.211).
6. Arthaśāstra, *loc cit.* p.141.

prostitutes was the *economic destitution of the widown* which is not found KD. as such.

The legality of the prostitution can be observed by the fact that in all the other legal matters. Kauṭilya has equated her with other actors.

To quote Kautilya the same rules shall apply to an actor dancer, singer, player on musical instruments, a buffoon (vāgjīvan), a mimic player (Kuśīlave) rope dancer (plavaka), juggler (Sambhikay, a wandeing bard or herld (cāraṇa) pimps and unchaste woman. It exhibits she was thought to be an unchaste woman artist whose legal situation staggeed between an artist and an unchaste woman. The women who were imprisoned in the battle-fuld were also compliled for prostitution. This face is found in vetālapañcavinisati.[1] in the narration of Rūpāvati; in the Rājataraṅgiṇi (VIII. 520-2) and also by an Arbic traveller IBN - BAṬṬŪTA[2]

Other types of prostitutes in KD L i. uttamestrī:[3] As mentioned previously, the KD. does not use in word 'Strī' in good sense. The word utamastrī and Ratiphalam in the context of drinking may indicate that they may be quoted with Vāremukhya and hence a synonym of "Inferior women of best quality" (uttamastrī) The word Ratiphalam in the context of drinking may mean "sesulting in intercourse". and not aggreviating the sexual emotions as Mallināthā has interpreted and has quited Madirarṇave a treatise on wive and a formula to aggrevide sexual pleasure.[1]

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[1] Ed. Emeneau, New Heaven 1934.

[2] Ed. C. Defremy and B.R. Songuinett. Voyages d' Idn Batoutah texte Arxte Arabe accompagine d'une traduction Paris. 1914; III. 235-36 (O. Stenbach. *loc.cit.* 1.211).

[3] मेघदूत (उत्तर) ३
यस्यां यक्षा सित उत्तमस्त्रीसहाया
आसेवन्ते मधु रतिफल

This mutual congent for sexual intercourse was an essential ingredient for prostitution whose break hegot fine. To quote Kauṭilya,[2] When a man has connection with a prostutote against her will or with a prostitute girl (Kumārī), he shall be punished with the highest amercement. But when he has connection with a willing prostitute (under age), he shall be punished with first amercement. The preceding verse read with this verse viz. वित्रोशाानां न खलु हि वय यौवनादन्यदास्नि The uttamastrīs were puppets in the hands of rich people for consideration of money resulting in sexual intercourse. it is a type of prostituteon with consent; for consideration and hence legal in the upper strates of society.

The exployment of prostitutes on salary with *beauty as essential element* whether she is born in the family of prostituter or not is already reconized by Kauṭilya.[3] On the death of a prostotute, substitution is also commended which is not found in KD. no law of property of prostitutes in found in KD. exhibits that the full institution of prostutes had been broken and individual for any consideration without the utervention of state, as it was in Kauṭilya could indulge in prostitution saving the socieal ethics.

ii. Varāṅganā : It may due equated with uttamastrī (varat aṅganā) being only a synonmical substitute in Ṛtusaṁhāra (which may be original) and subsequently changed to a beautiful word with a garb of a woman (strī). The use in the Ṛtusaṁhara II.5

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[1] तदुक्तं मदिरार्णवे
तालक्षीरसितामतामलगुो न्मत्तास्थिकालाह्वया
दरविन्दद्रुममोरटे क्षुकदली गुग्गुलप्रसूनैर्युतम् ।
इत्थं चेन्मधु पुष्पभाग्या पचितं पुष्पद्रमूलवतं
क्वाथेन स्मरदीपनं रतिफलााख्यं स्वदु शीतं मधु ॥

[2] Arthśūtra *loc.cit.* p.140.

[3] ibid. p.139.

प्रभिन्नवैदूर्यनिभैस्तणाङ्कुरै समाचिता प्रोत्थिकन्दलीदलै
विभातिशुक्लेतररत्नभूपिता वराङ्गने क्षितिरिन्द्रगोद

The use of vaidūrya exhibits ornaments; Kanddi dala : an upper garment and the use of Indragopa (a silky insect) exhibits the silky dress of a lady which is generally worn by prostotutes (varāṅganā). As mentioned above the beauty and beautiful dress; ornamentation and jewellery was the essential possesions of a prostitute. The rich people in the Meghadūta (Kinnaras) had immluse wealth with term and hence they wene thankful to Kubera used to movement with harlets of the deities (Bil udhavanitāvāra-mukhya sahāyāḥ).[1] Vanitāvaramukhyā to also Varāṅganā or uttamastnī, Varayuvati in Ṛtu also exhibited in same. In the Ṛtu, varaynvatī may be equated with a prostatute who sends the husband of a wife (vadhū) back and makes a mockey also.

दिवसकर मयूरवैर्बाध्यमानं प्रभाते
वरयुवतिमुखाभं प्काजं जम्भतेऽद्यं.
कुमुदमपि गतेऽस्तं लीयते चन्द्रबिम्बे
हसितमिव वधूनां प्रोपितेषु प्रियेषु ॥

It may be equated with Abhisārikā also who followed a man : may be with love or without love; for consideration or without consideration (Also. cf. Ṛtu. II. 10 for Abhisārikā).

Amarakośa has put vārastrī, gaṇikā, veśyā, Rūpajīva & Vāramukhya, as synonyms.[2] These synonyms went upto 330 as per calculations of Ludwik Stenbach.

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1. मेघदूत (उत्तर) 8
2. Amarakośa II. Line 1111
वारस्त्री गणिका वेश्या रूपजीवाथ सा जनै ।
सत्कृता वारमुख्या स्यात् कुट्टनी शम्भाली समे ॥

KD. her referred to veśya, penyastrī (Paṇyapaṇāṅganā in Hemacandra's Abhidhara - Cintāmaṇi)[1] but the typical words for inferior prostotutes Kumbhadāsī, Rūpajīvā (cf. Neśyā *op.cit.*) as mentioned by Vātsyāyana or bhujiṣyā mentioned by Śūdraka or Hemacandra : Lañjikā by Hemacandra are missing form the writings of KD. The words mixed up for superior and inferior prostitutes and in Anekārthasaṅgraha[2] of Hemancandra Gaṇikā is mixed up with bhujiṣyā and dāsī.

The classification of the prostitutes whicin found in Kāmasūtra of vātsyāyana[3] is also missing in KD. For vilāsinī and Pramadā (see Note No.43)

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1. Abhidhānacintamaṇi 532-533
साधारणस्त्रीगणिका वेश्या ापण्यपणाा्गना
भुजिष्या लञ्जिका रूपालीवा वारावधू पुन
सा वारमुख्या
2. Arekārtrasaṅgraha III. 490
3. Kamasūtra 363 15-16
लोके सामान्यास्त्रय प्रसिद्धा कुम्भदासी गणिकाा, रूपजीवेति
Vātryāyana has enumeroted nine kinds of prostitutes viz. कुम्भदासी, परिचारिका, कुलटा, स्वैरिणी, नटी, शिल्पकारिका रुपााजीवा and गणिका Amongst रुपाजीवा are परिचारिका, कुलटा स्वैरिणी, नटी, शिल्पकाारिका प्रकाशविनष्टा ।
Perhaps कुम्भदासी was an imperior real prostitute. It is supported by the vedict of Vātsyājana's comm. (363.15) कुम्भदासीप्ति कुम्भग्रहणं निकष्टकर्मोपलक्षणम् (Q. Sternbach. *loc.cit*. I p.201 n 14. Another classification by the words Madhyamā and adhamā is found in Vātsyāyana 343 16-7 गुणाना्च पदार्थाभ्यां मध्यमाधमा (Sternbach, *loc.cit*. I. Amongst the other important synonyms used in Sanskrit literary works (Sternbach. *loc.cih* I p.203 detail words collected from literature & lexicogrephical works, besides veśya, paṇyastrī, vāramukhyā, Svairiṇi & Naṭī, *Vilāsini* In *tree places* Ṛtu 4.2.3; VI. 5,8 violosin is used in a general sense but at one place it appears as if she communicates in sense of a prostute viz. Ṛtu IV 11.
पाकं व्रजन्ती हिमजालशीतै राधूयमाना सततं मरुद्भि
प्रिये प्रियु प्रियविप्रयुक्ता विपाणुतां याति विलाासिनी

Conclusion : i Kālidāsa knows prostituiton as a professtion and not an institution ii. legal institution of prostution had disappeared with age of KD. iii. The words densting prostitute had mixed up communicating good and bad sense iv. Kālidāsa does nto encourage the depcition of prostitutes although in sub-conscious, he alludes them by substituting them to good words.

It may be interpreted infavour of a prostotute viz. whenthe age is advancing, the cool airs (of no-busines) appear; these are no lover-clients a prostitue is turning to yellwoishness. The image of is also not very good in Kālidāsa. KD. uses it in its etymological sense in Ku. IV.12.

नयनान्यरूणानि धूर्णयन् वचनानि स्खलयन् पदे पदे
असति त्वयि वारुणीमद प्रमदानामधुना विम्बना ॥

It does not necessarily refer to a prostitute because it may refer to a ā*drinking women with her husband* Another son and sense of प्रमदा with पतिवर्त्माक in found in KU. IV.33

शशिना सह याति कौमुदी
प्रमदा पति नर्तमामा इति प्रतिपन्नं हि विचेतनरपि

Chapter XIII

Miscelaneus Concepts

Legal concepts word for the law used by Kālidāsa is "Naya" and daṇḍanīti the king "Nayajña". The law and order was strict and the traders were moving feerlessly in the mountains as if in their palaces. The word "śāsana" is used in the sense of order or legal administration in a small jurisdiction. The local forceful people (Context : Rāma and Śūrpaṇakhā desiring him for sexual purposes) could also exercise their order irrespective of the fact that it was the law of the king. The king identified himself with the law and order to the extent that it was never separate from his body. In the context of god, Pāśa is said to be in the hands of Pracetas, yama is also related to Daṇḍa.

As a poet, Kālidāsa makes a blend of the law and fate which is perhaps, borrows from the Mahābhārata where the discussion of Daiva and Puruṣkāca is found in details. Similarly the svādhikāra and Śāpa are found in the Meghadūta. Another obstruction in social order is vidhi or fate both in physical and psychological spheres. Of course this blend is not a legal concept.

Soveces of law :- Kālidāsa has discussed the relationship of Śruti and Smṛti (including law) where Smṛti follows śruti. The law of a kula and a customery law may also be allowed to in a verse wehre a lady could have been repudiated due to rumoth (lokavāda). It was accepted as *bone-fide* by the lady who accepted it a servent of her previous birth and brayed for the some husband in the next birth.

The word Śruti has a variant smṛti which in related ot kula and the institution of water to Pitṛs both in the veda (śruti) including the kalpasūtras and the Smṛti (including the smṛti texts) Kālidāsa has accepted antaḥkaraṇa prevṛtti as a valid source of law which is accepted by Dharmaśāstra traditoin also. The traditoin Manu law where the villation of law is ruled out has been

Kālidāsa as an ideal legal institution. It is not necessarily the available code of Manu but a full Manu tradition. But in tradition of Arthaśāstra represented by Kauṭilya and other jurusts is also known to Kālidāsa which is sometimes quoted *verbatim* by Kālidāsa. Perhaps for the social institution i.e. th epresentaiton of varṇa and Āśrema duties Kālidāsa accepts manu as most ideal compendium.

Court : Judical seat is named as Dharmāsana by Kālidāsa. A person who *violates the natural* procedure of law is called "parivettṛ".

Repeti of offence :- Theere is a fear from the repetition of offence which, perhaps in the opinion of Kālidāsa attracts more penalty. Other jurists have prescribed more penalty for the repetion of offence. Kālidāsa express beach of law in terms of śāpa particularly where religious breach is involved. It is expressed in the Meghadūta, Abhijñānaśā-kuntala and Vikramorvaśīyasa also.

Fast unto death : Following the conventional theme Kālidāsa has referred to fast unto death by the word Prāyapaveśana whic etymologically means to 'sit for ever'. It is one of the modes of repentense for the committed crime.

Succession :- The conventional concepts and norms of the particular society i.e. the devoluement of property to the sons including those of the kings are referred to by Kālidāsa in various contexts.

Kālidāsa has made a revolutionary suggestion regarding the property of th edeceased having no son. generally ignoring the widow who had only a right to maintenance, the male coparcenees with one or the other pretext including her defamation swallowed the property. Duṣyanta being a heirless ing suffers in pangs of discontinuity of the vaṁśa and property which was responsible for this change. Discontinuity of the heirs results int he breakage of the offerings of Piṇḍa to the Pitṛs who collect their svadhā in śrāddha and coannot enjoy the food offered. It is also frequently alluded to.

It was a reason to change the conventional law of successorship. regarding the prpperty of a Sārthevāha Dhananitra who was destroyed in the sea and was heirless, the minister orders the attachment of the property to royal treasury.

But the king rivises the decision in the light of the facts to be investigted that in the polygemous society particularly those rich, there are a number of women of when are or another must be pregnant. The invesgiation pertains to accruing pregnancy.

As soon as the king came to know the fact that a particular wife is pregnant, he immediately revises his decision that 'the property shall go to the foetus'. The poetic ideal expressian of the identity of the king with the issueless person except sin follows. The kig feels as if himself is in similar silent.

Another allusion may be interpreted for the inheritance from the side of maternal side in the case of Rāvaṇa which was not known in precedent. (ayathāpūrva). Prof. Revaprosed Dvived writes that the meaning is obscure and should be intfeated afresh. In the context of Rāvaṇa (Dhanadānuja) who has inherited the Sonu Indian tradition vis-a-vis Dhenadra who is an inhabitant of Kālidāsa, Kālidāsa tries to put him in that traditoin where he can inherit the property of his matriacual side. Another allusion is found in the context of Bhārgava who, in the opinion of Kālidāsa inherited in uparīta thread as if, a share from in patricual side and a bow from in matriorcual side. Its also indicates that the possibility of inheritance matiochal side or from both the sides common be ruled out.

Chapter XIV

Position of Women

In the patriarochal society, the supremacy of the husband is established over the wife. Her acceptance or rejection depends on the will of the husband.[1] Woman is accepted to be a medium of the rebirth of a man wich like the Vedic texts is accepted by Kālidāsa also.[2] Kālidāsa has accepted a good wife a medium of the origin of all good activities.[3] Kālidāsa has accepted two forms of women: i. the wife ii. the mother.[4] Variant has accepted the domestic life as the origin of all the religious activities.[5] As a daughter she is said to be the life of the family (kulajīvita)[6] whereas under the control of the husband or father.

A good lady sādhvi is defined as the Siddhi of Tapas.[7]

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[1] अभिज्ञन V.26
तदेप भवत कान्ता त्यज वैनं गहणाव
उपपन्न हि दारेपु प्रभुत सर्वतोमुखी ॥

[2] कु. VI.28
अत हर्तुमिच्छमि पार्वतीमात्मजन्मने
उतपत्तये हविर्भोक्तुर्यजमाान इवारनिम्

[3] कु. VI.13
तद्दर्शनाद् भूच्छभम्भोर्भूयन् दरार्थमादर
क्रियााणां खलु धर्म्यणं सत्पन्यो यूलकरणम

[4] मलवि.V.16 p.331
भर्त्रासि वीरपत्नीनां श्लध्यनास्पथिपतधुरि
वीरसूरिति शब्दोऽयं तनयत् त्वामुपस्थिति

[5] कु. VI.13 दाम्पत्यं मूलसधनम्

[6] कु. VI.63
एते वयमयी दर कन्येयं कुलजीवितम्
वृत येनात्र व कर्यमनस्था बाह्यवस्तुपु

[7] कु. VI.11
तेपां मध्यगता साध्वी पत्यु पदर्पितेक्षण
साक्षादिव तपसिद्धिर्बभासे बह्वरुन्धती

Except his own wife, if a person touches the wife of others, he is thought to be sinful.[1]

Kālidāsa has accepted woman as an ideal a company for a man. Besides the intense love, she is a grihiṇī, a counsel, a friend who advises him on each and every step.[2] Generally in a complex society consisting of the elderly and young ladies as wives inharem, their jealousy is very natural. If she does not face this structure of society, she has to suffer the consequences like that of Urvaśī. Once she wears a particular dress of control (niyama), she shall not stay longer with her husband.[3] It appears that except love and affection her legal rights were limited in Hindu Joint Family. Divorce is not known in ndian society. It is only co-wife which is the remedy for the jealous lady. Ultimately she has to make the compromise with the situation viz. whomsoever my husband wants, I'll make love and affectoin with that lady.[4] In order to wind the favourtism of her husband, she has to tolerate the remarriage of her husband.[5]

Kālidāsa has given a definition of Pativratā. They ladies who sacrifice themselves for the sake of their husband and do not shake against their will, are called

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[1] अभिज्ञान. V.29
मू स्यामहमेपा वा वदन्मिथ्येति संशये
परित्यागी भवाम्यहो परस्त्रीस्पर्शपंसुल

[2] jघु० VIII.67

[3] विक्रमो.III. P.378
निहितनियमवेपा महर्षिमहिषी दश्यते ।
तत्रैपेह चिरं स्थस्यति

[4] विक्रमो III. P.380 अद्यप्रवति य स्त्रिमर्यपुत्र प्रार्थयते याा चर्यपुत्रस्य समागम प्रणायिनी तया सह मय ।प्रीतिबन्धेन वर्नितव्यम् ।

[5] मालावि. V. P.334
प्रतिपक्षेणााप पतिं सेवन्ते भर्तवत्सल साध्व्य
विक्रमो. III. P.383
देव्य दत्त इति यदि व्यापारं व्रजसि मे शरीरेऽस्मिन् ।प्रथमं कस्यानुमते चोरितमपि मे त्वया हृदयम

Pativratās.[1] Mitākṣarā has laid down strict rules for Pativratā in accordance with Śaṅkha. She should not go out of the house without telling; without the upper garment; go in haste; go to other men including traders, ascetics, old people or the physician; she shoul not exhibit her navel; weat clothe upto her anklet; she should not expose her breasts; she should not laugh with her hsuband (perhaps in public place)or his agnates; should not go after prostitutes or rogues; she should not stay with faudulent and having psychological anophysiological darkness.[2] Hārita[3] has prescribed her lean and thin physique and Bṛhaspati[4] quoted in Vivādaratnākara has quoted her death after the death of the husband.

If another person tries to molest her, she shall try to get rid of him including the activities of falling at her feet. In the case of Sītā, Rāvaṇa fell at her feet but Sītā out right rejected his request which is the real characteristic of a Pativratā.[5]

Women in the separation of their husband were so depressed that they became thin and lean.[6] This position could be removed only with the activities of the husband i.e. with love and affection from his side. When a man

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1. कु. VI.86
मेने मेनापि तत्सर्वं पत्यु कर्यमभीप्सितम्
भवन्त्यभिचारिन्यो भर्तुरिष्टे पतिव्रत

2. पतिव्रत इति मितक्षरामाशंख नानुक्त्वा गहन्तिर्गच्छेत नानुतरीया न त्वरितं व्रजेत् न परपुरुपअभिमोपैतान्यत्र वक्णितर्कख्किच खज्झ खे ेळ् नाभिं दर्शयेदगुल्फाद्वस परिदधत्र स्तनै विततौ कुर्यन्त हसेत् प्रावत्ता भर्तरं तदबन्धून्वा न द्विपानां गणिक धूर्ताभिसारिणी प्रव्रित

3.

4. मृते म्रियंत त्यौं स स्त्री ज्ञेया
इति विवादरलाकरे बहस्पति
Stenbach, L. JSAIL. 436

5. मे. 19
रेन्वां द्रक्ष्यस्युपलतिप मे विन्ध्यपादे विशीर्माण्

6. मे. 29

deserted a woman, he with drew him company from her. The harsh words from the side of a lady waxs considered to be a valid ground for her repudiation.[1] For this ladies had either to make the regrets as a result of their previous births[2] or make compromise with the marital status ile. the second marriage of the husband. The repudiation was from all the sides i.e. the father in law, father and the husband.[3]

Women particularly Kṣatriyas desire to give birth to hero sons.[4] Meeting of women during their menstruraion period was prohibited and they had tokeep a particular dress including the non-washing of their hair which became dusty.[5] Such prohibitions are made by the old works on

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1. कु. IV.7
कनवानसि विप्रियं न मे न च ते मयाकतम्
किमकारणमेव दर्शनं विलपन्त्यै रतये न दीयते ।
2. रघु. XIV.62
ममैव जन्मन्तरपातकानां विपाकविस्यूर्जथुरस्रसह्य
3. रघु. XIV.74
4. रघु. XIV.4
5. रघु. XI.60
अन इव रजस्वल दिशो नोवभुवुर वलोकनक्षमा

Dharmaśāstra[1] and physiology.[2] Ladies following mena re depicted which looks like a legal institution besides the social institution arisig out of love particularly illegal love for men. besides its description in the poetical works[3] and the works of peotics,[1] Baber, 1925 ibid - p.84 p.81-82 its history is avaịlable in the Dharmaśāstra as well.[2]

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[1] आप. १.२.७१ रजस्वलो रक्तदन् गतिनगात्र स्यात
काष्ठ गृ १.४.१५
रजस्वलस्ति ये रक्तेन शरीरमवलिप्य ओजनादिक मुद्रग्रायन्ति भूतवरप्रभतय इति देनयाल
वसिप्.५-७ त्रिरात्रं रजस्वलाऽशुचिर्भवति सा नाभेयेनाभ्यज्जनाप्सु स्याायादधशचीत न दिव स्त्रिय्यलाग्नि स्पशेलन रज्जुं सजे न दस्तान्धावेयत्र मांसमश्यींयद न भ्रहन्तिरीक्षेत् न हसे त्र किंचिदाचरेत्र धावेदख`न पात्रेण द्विवेद्जुलिना वा पिनेल्लोहतायसेन वा

[2] वाग्भट अष्टाग्गाहृदार्य शरीर स्थने
माासोनोपचितं रक्तं धमनीभ्याकतौ पुन
ईपत्कणं विगन्धं च वायुर्यो न मुग्व्रान्नुदेत् ।
तत पुण्यात् क्षणादेव कल्याणध्यि नी त्यूहम् ।
मजालंकारहिता दर्भसंस्तरशाायिती
क्षैरेय्रयाावंक स्तोकं कोष्ठशोधनकर्पणम
पर्णे शरावे हस्ते वा भुजीत ब्रहमचारिणी

[3] रघु. XVI.12
निशासु भस्वत् कलनुपुराणं य संचरोऽभूदाभिसारिकणााम्

Drinking liquor in the case of ladies, perhaps, was a social custom whic was recognized and legalized particularly in the higher society.[3]

Another type of lady whichis depicted besides the demi-god lady is Janapadavadhu i.e. the lady of a small town who has no training of the city life and in whose philosophy the aesthetic objects are only for life (*context* : the cloud which is meant for the agriculatre only and not fro the artistic gestures). Similar type of ladies are the pluckers of flowers in the fields whose cheeks are full of sweat Puṣpalāvīmukhā).[1]

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[1] मन्दरमान्दचम्पू p. 84
Ed. N.S.P Bombay 1925
कान्ताभिसरणादेयुक्त स्मरार्ता सारिका दिवाभिस्कारका, श्यामाभिसारिक
दिवाश्यामविभेदन द्विधा ibid p. 84
दिवाभिसारिक सा स्याय दिवैव सरेप्रियम् श्यामभिसारिक सा स्याद्या रात्रौ सरति प्रियम
मन्दारमरन्दचम्पू ibid p. 84
ज्योतमातमास्तिनीभेददिदं चापि पुनर्द्विधा
शुभ्रावस्त्रा सरोत्कान्तं रात्रौ ज्योत्स्नाभिसारिक
ibid
नीलवेपा सरेत्कान्तं तमस्विन्यमिसारिका
साहित्यदर्पण 3/77-79
संलीना स्वेपु गात्रेपु मूकीकतावभूपान
अवगुण्ठ नसंवीता कुलजानम सबोध्यादि
विचित्रोज्जवलेपतु रणन्नुपुर क्कणा ।
प्रमोदस्मेरवदना स्याद्वेश्याऽभिसरेघाद ॥
मंदस्खलितसंलपा विभ्रमोत्फुलाचोना
आवद्धिगतिस्‌चारा स्यात्प्रेष्याभिसरेधदि ॥
भानुदत समञ्जुरी ज्योत्स्मिसारिका तीमस्त्रऽभिसारिका, दिवसानिसारिका
रसमजुरी p. 81-82
Ed. विद्याविलासप्रेस„ वाराणसी
टीकाकार धनिक दसरूपक also (q.v.)

[2] For legal background *See* Kane : HDS.
कु. IV.12
मनु. 9.13 पानं दुर्जनंसर्ग पत्या न विहह्रोटनम् स्वप्नोभ्यगेहवासश्च नारीसंदूपणानि
पट्

[3] जनपदवधू
मे. 16
त्वध्यायक्षं कषिफलम

As stated previously, if a lady commited an offence, the talking terms with her husband from the side of the husband were over (abhāṣyam).[2] This state bewilderedness left her only in the tears; giving up the ornaments, time long in loneliness; silence without words not to speak of happiness and the state of repententence.[3]

Kālidāsa thinks that the ladies talking adverse to the activities of their husband are nothing but the headache for the family. It is very difficult to reach the status of grihiṇī where institution is more important than the pleasures of youth.[4] But once she reaches at this stage, it is the most dinified position in the family where she is loved by childre; praised by the husband and desired by everyone including the servants. This social concept is borrowed by Klidāsa from Vātsyāyana's Kāmasūtra.

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[1] See मेघदूत

[2] रघु. VIII-48
कृत्वत्यासि नाावधीरणमपराद्धेऽपि यदा चिरं मयि
कथमेकपदे निरागसं जनमाभाष्यमिमं न मन्यसे ॥

[3] विक्रमो. IV.35 P.404.
तन्वी मेघजलार्द्रपल्लवतयाा धौताधरेवाश्रुभि शून्यैवभरमऐ स्वकालविरहाद विश्रान्तपुष्पोदगमा चिन्तामौमिवास्थिताा मधुहिलाा शब्दौर्विनाा लक्ष्यते। चणी ममवधूय पदिपनितं जातानुतापेन सा

[4] अभिज्ञन IV.18
वामा कुलस्यधय
यान्त्येवं गहिर्णापदं युक्तय ।
अभिजनवतो भर्तु श्लाघ्ये स्थिताा गहिणीपदे
विभवगुरुभि कत्यस्तस्य प्रतिक्षण माकुला ।

It is a bad etiquette to ask about the wife of others. Kālidāsa says it a vad activity (anārya).[1]

Ladies were expected to say in the house of their husband like a slave[2] which was perferred to a life of orderlessness. Once she is repudiated by the husband, she became free or independent (svacchandacāriṇī) which has become a synonym of a bad lady.[3] Her living with any person other than her husband including agnates geneates a doubt in the mind of public.[4] She is expected to stay there whether desirable or undesirable. Till the oldage she was identified with the family of the husband andafter the discharge of all the lisbilities including the coronationof her son was allowed to visit her parental house, if she wished.[5] Infact, the parental house also did not give her place (*context*: the earth did not give place to Sītā).[6]

When repudiated by her husband, her dress chagned which was a social custom. She could only dress up one bunch of hair (ekavenī);[7] open her venī till the husband

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1. अभिज्ञान.VII. P.550
अथवा अनार्य परदापच्छाव्यवहार
2. अभिज्ञान.V.27
अथ तुवेत्सि शुचि व्रतमात्मन
पतिकूले तव दास्यामपि क्षमम् ।
3. अभिज्ञान.V. P.507
सुष्ठु तावदत्र स्वच्छन्दचरिणी कतास्मि ।
4. अभिज्ञान.V. P.503
जनोऽन्यथा भर्तमतीं विश्कते अत समीपे परिठीतुरिष्यते । प्रियाऽप्रिया वा प्रमदा स्वबनधुभि ॥
5. अभिज्ञान. IV. P.492
दौष्यन्तिमप्ररिरथं तनयं निवेश्य ।
भत्रा तदर्पितकुटुम्बभरेण सार्धम् ॥
6. रघु.XIV.55
इति क्षिति संशायितेव तस्यै ददौ प्रवेशं जननी न तावत्
7. एववेणीधरा
अभिज्ञानं.VII. P.552
तत प्रविशत्येकवेणीधरा शकुन्तल

will rearrange it;[1] wear dirty dress, and looks like thin and lean due to maintenance of her niyams and character.[2]

Although it was against the social norms to invite the destitute daughter to the parental house, but if the parents realized her difficulty, they came to see her at he husband's residence.[3] Otherwise relatives of the parents ever relished her.[4] In the legal literature, the word pratyādiṣṭā is not used with the ladies but with thieves etc.[5]

Satī:- The death of lady with her husband or acceptance of the vow of Satī is reflected in the works of Kālidāsa. It is not a compulsion fromthe society but arises

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1. अभिज्ञान.VII. 24
   (वासने परिधूसरे वसना)
   (नियमक्षममुखी)
   (धतकवेणी)
   (शुद्धशीला)
   प्रवास & Women वे by the husband (cf. Meghaduta
   रघु. XIV.12
   वृनान्निवृत्तेन रघूत्तमने मुक्ता स्वयं वेविरिववाभसे
2. अभिज्ञन.VI.P.524
   न खलु मताापितरौ भर्तवियोगदु वितां
   दुहितरं चिरं द्रष्टं पारयत
3. अभिज्ञान.VI.9. p.523
   इत प्रत्याादिष्टा स्वंजनमनुगन्तुं व्यवसितता ।
   स्थिता तिष्ठेत्युच्चैर्वदति गुरुशिष्ये गुरुसमे ॥
4. मालवि.V.P.328
   पुनर्नवीकतवैधव्यदुखयाा मया
5. रंघु. XIV.1
   भर्तु प्रणाशादथ शोचनीयं दशन्तरं तत्र समं व्रपन्ने ।
   अपश्यतं दाशरथो जनन्यौ छेदादिवोपघ्नतरो र्वतत्यौ
   and कु. IV. 13-21 ff.
   रघु.XIV. 65
   किंवा तवात्यन्तवियोगमोधे कुर्यामुपेक्षां हतजीवितेऽस्मिन् ।.
   रघु.XII-75
   कामं जीवति मो नाथ इति साा विजहौ शुचम् ।
   प्राड् मत्वा सत्यमस्यान्तं जीवितस्मीति लजद्जताा ॥

only out of love and affection for the husband.[1] It is quite possible that this compulsory Satī institution might have been known in customary law in practice which is not referred to by Kālidāsa. Like the anticipatory death of Yaśomatī in the Harsacarita of Bāṇa, death before that of her husband is mentioned by Kālidāsa also.[2] Perhaps the performance of Satī was prohibited in the case of pregnant ladies.[3]

Out of love and affection for ladies, Kālidāsa has referred to a very interesting fact of commitment of suicide by men also like those of Satī of ladies. It was only a fear from patriarchal society and not with a desire to live that the king surivived.[4] Generally men were reluctant to kill a lady evenif she belong to a different background which was thought against the norms of man particularly in the case of the ideal man like Rāghava.

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1. रघु. IV.22 Commit after divirce with an intention of preservation of progeny.
2. रघु.XIV.65
   स्याद् रक्षणीयं यदि मे न तेजस्त्वदीय मन्तर्गतमन्तरय
3. रघु.VIII.72
   प्रमदामनु संस्थित शुचा नपति सन्निति वाच्य दर्शनात्
   न चकार शरीरमग्निसात सह देव्या न तु जीविताशया
4. रघु.XI.17 Woman killing of धृणा in
   घृणा उददतैक भुजर्यष्टिमायतीं श्रेणिलम्बिपुरुपन्त्र मेखलाम् ।
   तां विलोक्य वनितावधे घणां पत्लिणा सह मुमोच राघव ॥

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